UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS

WESTERN DIVISION

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SECOND AMENDED COMPLAINT FOR DAMAGES, COSTS OF LITIGATION AND ATTORNEY'S FEE

PRELIMINARY STATEMENT

- 1. This is an action by 18 migrant carnival workers employed by Defendant Deggeller Attractions, Inc. in the states of Arkansas, Florida, North Carolina, Virginia, Maryland, New Jersey and/or Pennsylvania at various points in 2009, 2010, 2011, 2012 and/or 2013. The Plaintiffs bring this action on behalf of themselves and other Deggeller Attractions employees and former employees similarly situated to secure and vindicate rights afforded them by federal regulations governing the H-2B temporary foreign worker program, 20 C.F.R. §§655.100, et seq., the minimum wage and overtime provisions under the Arkansas Minimum Wage Act ("AMWA"), Ark. §§11-4-201 et seq., and common law.
- 2. The Plaintiffs also seek relief on behalf of themselves and their fellow workers for the Defendant's willful filing of fraudulent tax information forms with regard to their employment during 2009 and 2010. Instead of listing the workers' complete earnings on Forms W-2 as required by law, Defendant Deggeller Attractions, Inc. improperly classified almost half of the workers' earnings as per diem reimbursements as part of a scheme to avoid tax liability under the federal Insurance Contributions Act and the Federal Unemployment Tax Act, as well as its worker's compensation obligations.
- 3. Defendant Deggeller Attractions, Inc. failed to pay minimum and overtime wages as required by the AMWA. In addition, Defendant Deggeller Attractions, Inc. paid the Plaintiffs wages that routinely fell below the levels dictated by the H-2B regulations and required by the Plaintiffs' employment contracts. The Plaintiffs' wages were further reduced by unlawful charges for housing and by the Defendant's failure to reimburse pre-employment visa and transportation expenses the Plaintiffs incurred principally for the Defendant's benefit.

4. The Plaintiffs seek to recover their unpaid wages, actual, liquidated, and compensatory damages and, to the extent appropriate, pre-and post-judgment interest. The Plaintiffs also seek a reasonable attorney's fee pursuant to 26 U.S.C. §7434(c)(3), and A.C.A §11-4-218 (a)(1)(b)(2), and an award of costs.

JURISDICTION

- 5. This Court has jurisdiction over this case pursuant to 28 U.S.C. §1332(d) (the Class Action Fairness Act) because the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, there are more than 100 members of the proposed class, and the Plaintiffs and members of the Class are citizens or subjects of a foreign state and Defendant is a citizen of the state of Florida. In addition, jurisdiction is conferred upon this Court by 28 U.S.C. §1331, this action arising under the laws of the United States; by 26 U.S.C. §7434, this action involving the Defendant's willful filing of fraudulent tax forms; and by 28 U.S.C. §1337, this action arising under the Acts of Congress regulating commerce.
- 6. This Court has supplemental jurisdiction over the related state law claims pursuant to 28 U.S.C. §1367, because these state law claims are so related to the federal claims that they form part of the same case and controversy.

VENUE

7. Venue is proper in this district pursuant to 28 U.S.C. §§1391(b) and (c). Defendant Deggeller Attractions, Inc. is subject to this Court's personal jurisdiction with respect to this action. A substantial part of the events giving rise to the Plaintiffs' claims occurred in this district at the Arkansas State Fair in Little Rock.

PARTIES

- 8. Plaintiffs Jesus Cuellar-Aguilar, Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Porfirio Hernandez-Zavaleta, Natanel Herrera-Barreda, Javier Lopez-Celis, Angel Martinez-Damaso, Esau Morales-Toledano, Crisanto Ortiz-Ortiz, Samuel Ronquillo-Juarez and Enrique Vasquez-Alejo are citizens of Mexico who reside in the states of either Veracruz or Puebla. At all times relevant to this action, these Plaintiffs were H-2B temporary foreign workers admitted for employment with Defendant Deggeller pursuant to 8 U.S.C. §1101(a)(15)(H)(ii)(b).
- 9. Plaintiffs Shanna Powell, Shenene Swanepoel and John Swart are citizens of South Africa. Powell and Swanepoel are residents of Boksburg, while Swart is a resident of Cape Town. During 2013, Plaintiffs Powell, Swanepoel and Swart were each employed by Defendant Deggellar Attractions, Inc. pursuant to an H-2B visa issued pursuant to 8 U.S.C. §1101(a)(15)(H)(ii)(b). Plaintiff Swart was also employed Defendant Deggeller Attractions, Inc. during 2012 pursuant to an H-2B visa.
- 10. Defendant Deggeller Attractions, Inc. ("Deggeller") is a closely-held Florida corporation. It operates a traveling carnival midway business in Arkansas and various other states.

FACTUAL ALLEGATIONS

11. Billing itself as "America's Spectacular Midway," Defendant Deggeller operates midway attractions at fairs and other events in the southeastern and Middle Atlantic regions of the United States. Among other things, Deggeller's midway operations include amusement rides,

food concession booths and games of chance. In 2009, 2010, 2011, 2012 and 2013, Deggeller employed in excess of 75 workers annually at the Arkansas State Fair.

- 12. To assist it in staffing its midway business, Deggeller annually applies to the United States Department of Labor for temporary labor certification to import individuals from Mexico and South Africa to work as amusement ride operators, food handlers and game attendants. The Immigration and Nationality Act, 8 U.S.C. §1101(a)(15)(H)(ii)(B), permits a non-agricultural employer who anticipates a temporary or seasonal labor shortage to import alien workers to perform unskilled labor. Aliens admitted in this fashion are commonly referred to as "H-2B workers."
- 13. In order to obtain H-2B visas, an employer must obtain a certification from the United States Department of Labor (DOL) stating that the aliens' employment will not adversely affect the wages and working conditions of similarly employed U.S. workers. 8 C.F.R. §214.2(h)(6)(iv). To make this certification, DOL requires the petitioning employer to set forth, on Form ETA 9142, the terms of work it is offering to the H-2B workers it seeks, including the "basic rate of pay offered." Form ETA 9142, §G.1, available online at www.foreignlaborcert.doleta.gov/pdf/. By regulation, the rate of pay offered may not be less than the prevailing hourly wage set by the Department of Labor. 20 C.F.R. §655.10(b). The employer is required to attest to the accuracy of the job offer information in the Form ETA 9142 by signing it under penalty of perjury.
- 14. In 2009, 2010, 2011, 2012 and 2013, Deggeller applied for and was granted temporary labor certifications for employment of H-2B workers. Copies of Defendant's

approved applications for 2010, 2011 and 2012 accompany this Second Amended Complaint as Exhibit 1. Each of these approved applications offered specified hourly wage rates to be paid to the H-2B workers. As a condition of obtaining these certifications, in accordance with 29 C.F.R. §655.22, Deggeller promised the DOL that throughout the certification period, Deggeller would pay at least the applicable prevailing wage to all H-2B and U.S. workers employed as ride operators, food servers, game attendants or ticket collectors. The applicable prevailing wage varied depending on the location or state at which Deggeller's employees worked and was expressed as an hourly rate. The Plaintiffs and the other H-2B workers were among the intended beneficiaries of the promises that Deggeller provided to the United States Department of Labor in its temporary labor certification applications.

- 15. The United States Department of Labor granted Deggeller's temporary labor certification applications as described in Paragraph 14. Upon receiving these temporary labor certifications, Deggeller recruited and hired the Plaintiffs and other individuals in Mexico and South Africa to enter the United States as H-2B workers to perform the tasks described in the temporary labor certification applications. The recruitment and hiring of Mexican workers was performed by Deggeller's agent, JKJ Workforce Agency and its Mexican subcontractor, Victor Apolinar-Barrios. The South African H-2B workers were recruited and hired by Deggeller's agent, Nuhorizons Staffing Solutions.
- 16. At the time of their recruitment, the Plaintiffs and the other class members were informed in writing by Deggeller's agents of the terms of employment being offered, including the hourly wage rates set forth in Deggeller's temporary labor certification applications.

- 17. The Plaintiffs and other similarly situated individuals accepted Deggeller's offer of employment, including the wage rates described by Deggeller's agents and offered in its certification applications. Plaintiffs accepted the offered terms by coming to the United States and commencing work for Deggeller.
- 18. By accepting Deggeller's offers of employment and entering into an employment relationship with Deggeller, the Plaintiffs and the other class members entered into a contractual relationship with Deggeller. The terms of that contractual relationship are set forth in Deggeller's approved labor certification applications and in the disclosures provided by Defendants' agents. Because Defendant received the benefit of H-2B visas based on the terms listed in the labor certification applications, it is estopped from denying that those are the terms of the employment relationship. In addition, because wage terms set forth in the labor certification application required by DOL regulation, those wage terms are incorporated into Plaintiffs' contractual relationship with Defendants as a matter of law.
- 19. The Plaintiffs were employed as carnival workers by Deggeller pursuant to H-2B visas during the following years:

Andres Andrade-Quijano	2009
Francisco Bernardo-Gonzalez	2009, 2010, 2011, 2012
Andres Contreras-Hernandez	2010, 2011
Jesus Cuellar-Aguilar	2011, 2012
Jose Daniel Cuellar-Aguilar	2011, 2012, 2013
Frederik Hernandez-Luciano	2010, 2011, 2012, 2013
Narciso Hernandez-Zavaleta	2009, 2011, 2012, 2013
Porfirio Hernandez-Zavaleta	2009, 2011

Natanael Herrera-Barreda	2010, 2011
Javier Lopez-Celis	2011 2012

Angel Martinez-Damaso 2009, 2010

Esau Morales-Toledano 2011

Crisanto Ortiz-Ortiz 2009, 2010, 2011, 2012

Shanna Powell 2013

Samuel Ronquillo-Juarez 2011, 2012

Shenene Swanepoel 2013

John Swart 2012, 2013

Enrique Vasquez-Alejo 2009, 2011, 2012

In each of these years, all of the Plaintiffs except for Plaintiffs Powell and Swanepoel worked assembling, disassembling, repairing, servicing and operating amusement rides for Deggeller.

During 2013, Plaintiffs Powell and Swanepoel worked collecting tickets and fees for Deggeller.

- 20. The Plaintiffs and the other H-2B workers were required to pay visa application fees and all or a portion of the cost of their transportation from their respective homes to the U.S. consulate and from the consulate to Deggeller's jobsite in the United States. These fees were paid to Deggeller's recruiting agents, JKJ Workforce Agency and/or Victor Apolinar-Barrios (for Mexican workers) and Nuhorizons Staffing Solutions (for South African workers). Deggeller never reimbursed the Plaintiffs or the other H-2B workers for these expenses, despite the fact that these costs reduced each worker's first workweek earnings below the applicable prevailing wage. These fees were for the primary benefit of Deggeller and were business expenses of Deggeller, although paid by the Plaintiffs and the other members of the class.
- 21. While employed by Deggeller, the Plaintiffs and the other H-2B workers resided in housing facilities furnished by Deggeller. These accommodations consisted of small rooms in

mobile trailers, often referred to as "bunkhouses." The bunkhouses did not meet applicable standards for temporary labor camps set out at 29 C.F.R. §1910.142. Among other things, the bunkhouses did not provide the occupants with the requisite amount of square footage in floor space, lacked required ventilation and windows, were not equipped with cooking or refrigeration facilities, did not provide storage facilities for the workers' personal belongings.

- 22. Deggeller deducted \$60.00 per week from the wages of the Plaintiffs and each of the other H-2B workers for their quarters in the bunkhouses. These charges exceeded the actual cost to Deggeller of furnishing these facilities to the workers.
- 23. Despite the "offer" of specified hourly wages in its temporary labor certifications, Deggeller paid the Plaintiffs and the other H-2B workers on a weekly basis at a flat rate, regardless of the hours actually worked. The weekly rate was approximately \$400 per week in 2009 and 2010 and \$410 per week thereafter. During the vast majority of workweeks, the weekly rate was less than the amount due at the hourly rates offered in the labor certification applications approved by the DOL and accepted by the Plaintiffs and the other class members by coming to work for Deggeller.
- 24. During the time they worked for Deggeller at the Arkansas State Fair in 2011, 2012 or 2013, Plaintiffs Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jesus Cuellar-Aguilar, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Natanael Herrera-Barreda, Javier Lopez-Celis, Crisanto Ortiz-Ortiz, Shanna Powell, Samuel Ronquillo-Juarez, Shenene Swanepoel, John Swart and Enrique Vasquez-Alejo and the other H-2B workers were employed in excess of 70 hours per week. For this work, these

- 23. Deggeller did not pay these Plaintiffs or the other H-2B workers wages at one-and-a-half times their regular rate for the hours worked in excess of 40 in a workweek while employed at the Arkansas State Fair in 2011, 2012 or 2013.
- 25. Deggeller failed to make, keep and maintain payroll records showing the number of compensable hours worked by the Plaintiffs and the other H-2B workers, as required by federal and Arkansas law.
- 26. Deggeller did not make, keep and maintain payroll records accurately reporting the wages paid to Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo and the other H-2B workers during 2009 and 2010. Instead, Deggeller's payroll records listed just over half of the wages paid to these Plaintiffs and the other H-2B workers in 2009 and 2010. The remaining payments to these workers were paid "off the books" and characterized by Deggeller as per-diem reimbursements, even though these sums were simply a portion of each worker's regular weekly wages. For work performed by these Plaintiffs and the other H-2B workers in 2009 or 2010, Deggeller paid employment taxes under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act only on those portions of the workers' wages included on the company's payroll records. Deggeller paid no employment taxes or worker's compensation premiums on the portion of the workers' earnings paid "off the books" and characterized as per-diem reimbursements.
- 27. Deggeller's effort to characterize a portion of the 2009 and 2010 earnings of Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez,

Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo and the other H-2B workers employed in 2009 or 2010 as per-diem reimbursements was part of a scheme by Deggeller to defraud state and federal taxing authorities and the company's worker's compensation insurance carrier by lessening Deggeller's tax obligations and the amount of its worker's compensation insurance premiums.

- 28. The 2009 and 2010 W-2 forms issued to and filed by Deggeller with respect to Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz, Enrique Vasquez-Alejo and Juan Manuel Vasquez-Alvarez and the other H-2B workers only included those wages listed on Deggeller's payroll records. The 2009 and 2010 W-2 forms did not include the portion of the workers' wages paid "off the books" and characterized by Deggeller as per-diem reimbursements.
- 29. Deggeller's actions in fraudulently reporting the wages of the Plaintiffs and the other H-2B workers employed during those seasons caused these workers injury. Among other things, Deggeller's actions underreported the Social Security wages of the Plaintiffs and the other H-2B workers employed during 2009 or 2010, potentially reducing the Social Security or disability benefits available to them. Furthermore, by underreporting the wages of the Plaintiffs and the other H-2B workers employed in 2009 or 2010, Deggeller left these individuals liable for substantial tax liability as a result of Deggeller's failure to withhold income taxes from a substantial portion of the wages of these workers' wages.

CLASS ACTION ALLEGATIONS COUNT I - H-2B CONTRACT VIOLATIONS

- 30. All claims set forth in Count I are brought by the Plaintiffs on behalf of themselves and all other similarly situated persons pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.
- 31. With respect to Count I, the Plaintiffs seek to represent a subclass consisting of all H-2B temporary foreign workers who were employed pursuant to temporary labor certifications issued to Deggeller for work in 2009, 2010, 2011, 2012 or 2013 ("the H-2B contract subclass").
- 32. The members of the H-2B contract subclass are so numerous and so geographically dispersed as to make joinder impracticable. The precise number of individuals in the H-2B contract subclass is known only to Deggeller but is believed to include over 200 individuals. The H-2B contract subclass is comprised of migrant workers who are citizens of Mexico or South Africa. Many of the subclass members are not fluent in the English language. Most subclass members are unfamiliar with the American judicial system. The relatively small size of the individual claims and the indigence of the subclass members make the maintenance of separate actions by each subclass member economically infeasible.
- 33. There are questions of law and fact common to the H-2B contract subclass. These common legal and factual questions include whether the "basic rate of pay offered" in Deggeller's labor certification applications is the contractual wage offer that the Plaintiffs and the other members of the H-2B contract subclass accepted by coming to work for Deggeller; whether Deggeller is estopped from denying that the "basic rate of pay offered" in the

certification applications is the contractual wage offer that the Plaintiffs and the other subclass members accepted by coming to work for Deggeller; whether the "basic rate of pay offered" in Deggeller's labor certification applications is incorporated as a matter of law into the contractual relationship between Deggeller and the Plaintiffs and the other subclass members; whether Deggeller was legally obligated to pay the hourly prevailing wage for all compensable hours worked; whether Deggeller was obligated to reimburse the subclass members for their visa and inbound transportation expenses up to the level of the offered prevailing hourly wage; and whether Deggeller is entitled to a credit against its prevailing wage obligations for the bunkhouse facilities it furnished to the members of the subclass.

- 34 The Plaintiffs' claims are typical of those of the other subclass members and these typical, common claims predominate over any questions affecting only individual subclass members. The Plaintiffs have the same interests as do other members of the H-2B contract subclass and will vigorously prosecute these interests on behalf of the subclass.
- 35. The Plaintiffs will fairly and adequately represent the interests of the H-2B contract subclass. The Plaintiffs have the same interests as do the other members of the H-2B contract subclass and will vigorously prosecute these interests on behalf of the subclass.
- 36. The Plaintiffs' counsel are experienced in handling actions by temporary guestworkers to enforce their rights under their employment contracts and have handled numerous class actions in the federal courts. The Plaintiffs' counsel are prepared to advance litigation costs necessary to vigorously litigate this action and to provide notice to the H-2B contract subclass members under Rule 23(c)(2).

- 37. A class action under Rule 23(b)(3) is superior to other available methods of adjudicating this controversy because, *inter alia*:
 - a. The common issues of law and fact, as well as the relatively small size of the individual subclass members' claims, substantially diminish the interest of members of the subclass in individually controlling the prosecution of separate actions;
 - b. Many members of the subclass are unaware of their rights to prosecute these claims and lack the means or resources to secure legal assistance;
 - c. There is no pending litigation against Deggeller by the members of the H-2A contract subclass to determine the legal questions presented in Count I;
 - d. It is desirable that the claims be heard in this forum because many of the acts giving rise to the causes of action set out herein arose in this district; and
 - e. A class action can be managed without undue difficulty because Deggeller regularly committed the violations complained of herein, and has records identifying each member of the H-2B contract subclass.

CLASS ACTION ALLEGATIONS COUNT II - VIOLATIONS OF 26 U.S.C. §7434

- 38. All claims set forth in Count II are brought by Representative Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez, on behalf of themselves and all other similarly situated persons pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.
- 39. Representative Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo seek certification under Rule 23(b)(3) of their claims under 26 U.S.C. §7434 relating to Deggeller's willful filing of fraudulent information forms with respect to the H-2B workers' earnings during 2009 and 2010.
- 40. With respect to Count II, Representative Plaintiffs Andres Andrade-Quijano,
 Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano,
 Narciso Hernandez-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel
 Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo seek to represent a subclass
 consisting of all H-2B workers employed by Deggeller at any time during 2009 or 2010 ("the 26
 U.S.C. §7434 subclass").
- 41. The members of the 26 U.S.C. §7434 subclass members are so numerous and so geographically dispersed as to make joinder impracticable. The precise number of individuals in

the 26 U.S.C. §7434 subclass is known only to Deggeller but is believed to include over 150 individuals. The 26 U.S.C. §7434 subclass is comprised of migrant workers who are citizens of Mexico or South Africa. Many of the subclass members are not fluent in the English language. Most subclass members are unfamiliar with the American judicial system. The relatively small size of the individual claims and the indigence of the subclass members make the maintenance of separate actions by each subclass member economically infeasible.

- 42. There are questions of law and fact common to the 26 U.S.C. §7434 subclass. These common legal and factual questions include whether Deggeller willfully omitted a portion of the earnings of the subclass members from its payroll records within the meaning of 26 U.S.C. §7434 and whether Deggeller's filing of W-2 forms underreporting the wages of the members of the subclass violated 26 U.S.C. §7434.
- 43. The claims of Representative Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo are typical of those of the other members of the 26 U.S.C. §7434 subclass and these typical, common claims predominate over any questions affecting only individual subclass members. The Representative Plaintiffs have the same interests as do other members of the 26 U.S.C. §7434 subclass and will vigorously prosecute these interests on behalf of the subclass.
- 44. Representative Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta,

Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo will fairly and adequately represent the interests of the 26 U.S.C. §7434 subclass. The Representative Plaintiffs have the same interests as do the other members of the subclass and will vigorously prosecute these interests on behalf of the subclass.

- 45. Counsel for Representative Plaintiffs Andres Andrade-Quijano, Francisco
 Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso
 Hernandez-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel MartinezDamaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo are experienced in handling actions in
 the federal courts and have previously served as counsel for a class certified under 26 U.S.C.
 §7434. Counsel for the Representative Plaintiffs are prepared to advance litigation costs
 necessary to vigorously litigate this action and to provide notice to the members of the 26 U.S.C.
 §7434 subclass under Rule 23(c)(2).
- 46. A class action under Rule 23(b)(3) is superior to other available methods of adjudicating this controversy because, *inter alia*:
 - a. The common issues of law and fact, as well as the relatively small size f the individual subclass members' claims, substantially diminish the interest of members of the subclass in individually controlling the prosecution of separate actions;
 - b. Many members of the subclass are unaware of their rights to prosecute these claims and lack the means or resources to secure legal assistance:

- c. There has been no litigation already commenced against Deggeller by the members of the 26 U.S.C. §7434 subclass to determine the questions presented in Count II;
- d. It is desirable that the claims be heard in this forum because many of the acts giving rise to the causes of action set out herein arose in this district; and
- e. A class action can be managed without undue difficulty because during 2009 and 2010, Deggeller regularly committed the violations complained of herein, and has records identifying each member of the 26 U.S.C. §7434 subclass.

CLASS ACTION ALLEGATIONS COUNT III - VIOLATIONS OF THE ARKANSAS MINIMUM WAGE ACT

- 47. All claims set forth in Count III are brought by Representative Plaintiffs Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jesus Cuellar-Aguilar, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Natanael Herrera-Barreda, Javier Lopez-Celis, Crisanto Ortiz-Ortiz, Shanna Powell, Samuel Ronquillo-Juarez, Shenene Swanepoel, John Swart and Enrique Vasquez-Alejo on behalf of themselves and all other similarly situated persons pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.
- 48. With respect to Count III, the Representative Plaintiffs seek to represent a subclass consisting of all H-2B temporary foreign workers who were employed by Deggeller at the Arkansas State Fair in 2011, 2012 and/or 2013 ("the Arkansas subclass").
- 49. The members of the Arkansas subclass members are so numerous and so geographically dispersed as to make joinder impracticable. The precise number of individuals in the Arkansas is known only to Deggeller but is believed to include over 150 individuals. The Arkansas subclass is comprised of migrant workers who are citizens of Mexico or South Africa. Many of the subclass members are not fluent in the English language. Most subclass members are unfamiliar with the American judicial system. The relatively small size of the individual claims and the indigence of the subclass members make the maintenance of separate actions by each subclass member economically infeasible.
- 50. There are questions of law and fact common to the Arkansas subclass. These common legal and factual questions include whether Deggeller was subject to the minimum wage and overtime provisions of the Arkansas Minimum Wage Act and whether Deggeller paid the members of the Arkansas subclass in accordance with the Act.

- 51. The claims of Representative Plaintiffs Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jesus Cuellar-Aguilar, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Natanael Herrera-Barreda, Javier Lopez-Celis, Crisanto Ortiz-Ortiz, Shanna Powell, Samuel Ronquillo-Juarez, Shenene Swanepoel, John Swart and Enrique Vasquez-Alejo are typical of those of the other members of the Arkansas subclass and these typical, common claims predominate over any questions affecting only individual class members. These Representative Plaintiffs have the same interest as do other members of the class and will vigorously prosecute these interests on behalf of the class.
- 52. Counsel for the Representative Plaintiffs Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jesus Cuellar-Aguilar, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Natanael Herrera-Barreda, Javier Lopez-Celis, Crisanto Ortiz-Ortiz, Shanna Powell, Samuel Ronquillo-Juarez, Shenene Swanepoel, John Swart and Enrique Vasquez-Alejo are experienced in handling actions in the federal courts, including actions under state and federal statutes to recover wages due migrant guestworkers. Counsel for these Representative Plaintiffs are prepared to advance litigation costs necessary to vigorously litigate this action and to provide notice to the members of the Arkansas subclass under Rule 23(c)(2).
- 53. A class action under Rule 23(b)(3) is superior to other available methods of adjudicating this controversy because, *inter alia*:
 - a. The common issues of law and fact, as well as the relatively small size of the individual subclass members' claims, substantially diminish the

interest of members of the subclass in individually controlling the prosecution of separate actions;

- b. Many members of the subclass are unaware of their rights to prosecute these claims and lack the means or resources to secure legal assistance;
- c. There has been no litigation already commenced against Deggeller by the members of the Arkansas subclass in which the questions of Arkansas law here presented are being litigated;
- d. It is desirable that the claims be heard in this forum because the cause of action set out herein arose in this district and this Court is well-positioned to adjudicate questions of Arkansas law; and
- e. A class action can be managed without undue difficulty because during the 2011, 2012 and 2013 Arkansas State Fairs, Deggeller regularly committed the violations complained of herein, and has records identifying each member of the Arkansas subclass.

COUNT I (BREACH OF H-2 B CONTRACT)

- 54. This count sets forth a claim for damages by the Plaintiffs and the other members of the H-2B contract subclass for Deggeller's breach of the regulations governing the H-2B program and the workers' employment contracts, as embodied in Deggeller's 2009, 2010, 2011, 2012 and 2013 temporary labor certification applications.
- 55. By accepting the visas offered by Deggeller and coming to work for Deggeller as employees, the Plaintiffs and the other members of the H-2B contract subclass entered into a contractual relationship with Deggeller.
- 56. Deggeller's temporary labor certification applications for 2009, 2010, 2011, 2012 and 2013, offered to pay specified hourly wages to all workers performing the jobs described in those certification applications and, when approved by the DOL, that offer became the wage term applicable to the contractual employment relationship between the Plaintiffs and the other members of the H-2B contract subclass and Deggeller.
- 57. The Plaintiffs and the other members of the H-2B contract subclass accepted the wage term as described in Paragraph 56 by traveling to the United States and working for Deggeller in the jobs authorized by their visas.
- 58. Because it knowingly accepted the benefits of the H-2B visas issued pursuant to the wage offer in its labor certification applications, Deggeller is estopped from denying that the wage offer in the certification applications is the wage offer applicable to its employment relationship with the Plaintiffs and the other members of the H-2B contract subclass.
 - 59. Because the promise to pay at least the prevailing wage is a legal condition of

obtaining H-2B visas, that promise is incorporated as a matter of law into the contractual relationship between Deggeller and its H-2B workers.

- 60. Deggeller violated its contractual relationship with the Plaintiffs and the other members of the H-2B contract subclass wages by failing to pay such workers at least the hourly prevailing wages specified in Deggeller's labor certification applications. Instead, Deggeller paid the Plaintiffs and the other members of the H-2B contract subclass a flat weekly wage of between \$400 and \$410, regardless of the number of hours worked during the workweek.
- 61. Deggeller also breached its employment contract with the Plaintiffs and the other members of the H-2B contract subclass by shifting its business expenses, including these workers' visa and inbound transportation expenses, on to the Plaintiffs and the other members of the H-2B contract subclass, which further reduced their wages below the contractual minimum.
- 62. As a result of Deggeller's actions as described in this count, the Plaintiffs and the other members of the H-2B contract subclass have been denied wages due them under their employment contracts for which they are entitled to relief.

COUNT II (WILLFUL FILING OF FRAUDULENT INFORMATION RETURNS)

- 63. This count sets forth a claim by Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso Hernandezs-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo and the other members of the 26 U.S.C. §7434 subclass for Deggeller's willful filing of fraudulent information returns in violation of 26 U.S.C. §7434.
- 64. With respect to the employment during 2009 and 2010 of Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso Hernandezs-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo and the other members of the 26 U.S.C. §7434 subclass, Deggeller willfully filed W-2 forms containing fraudulent information regarding these workers' earnings. The W-2 forms filed by Deggeller for calendar years 2009 and 2010 listed only about half of the worker's actual earnings, and excluded that portion of the workers' earnings that were paid "off the books" and characterized by Deggeller as per-diem reimbursements. By filing the fraudulent W-2 forms, Deggeller substantially reduced its obligation for payment of taxes pursuant to the Federal Insurance Contributions Act and the Federal Unemployment Tax Act.
- 65. Plaintiffs Andres Andrade-Quijano, Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso Hernandezs-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel Martinez-Damaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo and the other members of the 26 U.S.C. §7434 subclass suffered

injury as a result of the above-described acts of Deggeller for which they are entitled to relief pursuant to 26 U.S.C. §7434. Among other things, the Social Security earnings records of these individuals were not properly credited with their wages for work with Deggeller in 2009 or 2010. In addition, because of Deggeller's failure to list the full wages of these individuals on the W-2 forms and to make corresponding income tax withholdings, the Representative Plaintiffs and the other members of the 26 U.S.C. §7434 subclass are subject to substantial income tax liability.

COUNT III (ARKANSAS MINIMUM WAGE ACT)

- 66. This count sets forth a claim by Plaintiffs Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jesus Cuellar-Aguilar, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Natanael Herrera-Barreda, Javier Lopez-Celis, Crisanto Ortiz-Ortiz, Shanna Powell, Samuel Ronquillo-Juarez, Shenene Swanepoel, John Swart and Enrique Vasquez-Alejo and the other members of the Arkansas subclass for Deggeller's failure to pay minimum wage and overtime wages as required by the Arkansas Minimum Wage Act for work performed during 2011, 2012 and/or 2013 at the Arkansas State Fair.
- 67. Deggeller failed to pay Plaintiffs Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jesus Cuellar-Aguilar, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Natanael Herrera-Barreda, Javier Lopez-Celis, Crisanto Ortiz-Ortiz, Shanna Powell, Samuel Ronquillo-Juarez, Shenene Swanepoel, John Swart and Enrique Vasquez-Alejo and the other members of the Arkansas subclass at least \$6.25 for every compensable hour each of them was employed at the Arkansas State Fair during 2011, 2012 and 2013, in violation of Arkansas Code Annotated §11-4-210.
- 68. Deggeller failed to pay Plaintiffs Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jesus Cuellar-Aguilar, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Natanael Herrera-Barreda, Javier Lopez-Celis, Crisanto Ortiz-Ortiz, Shanna Powell, Samuel Ronquillo-Juarez, Shenene Swanepoel, John Swart and Enrique Vasquez-Alejo and the other members of the Arkansas subclass overtime wages as required by Arkansas Code Annotated §11-4-211(a) for their work at the 2011, 2012 and 2013 Arkansas

State Fairs, despite the fact that these workers routinely worked in excess of 40 hours per week.

69. As a result of the violations of the Arkansas Minimum Wage Act as set out in this count, Plaintiffs Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jesus Cuellar-Aguilar, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Natanael Herrera-Barreda, Javier Lopez-Celis, Crisanto Ortiz-Ortiz, Shanna Powell, Samuel Ronquillo-Juarez, Shenene Swanepoel, John Swart and Enrique Vasquez-Alejo and the other members of the Arkansas subclass are entitled to recover the amount their unpaid minimum and overtime wages plus an equal amount as liquidated damages.

PRAYER FOR RELIEF

WHEREFORE the Plaintiffs pray this Court to issue an order:

- a... Allowing the claims set out in Count I to proceed on a class wide basis and certifying with regard to those claims a subclass pursuant to Federal Rule of Civil Procedure 23(b)(3) consisting of all H-2B temporary foreign workers who were employed pursuant to temporary labor certifications issued to Deggeller Attractions, Inc. for work in 2009, 2010, 2011, 2012 or 2013 ("the H-2B contact subclass");
- b. Allowing the claims set out in Count II to proceed on a class wide basis and certifying with regard to those claims a subclass pursuant to Federal Rule of Civil Procedure 23(b)(3) consisting of all H-2B temporary foreign workers employed by Deggeller Attractions, Inc. at any time during 2009 or 2010 ("the 26 U.S.C. §7434 subclass");
- c. Allowing the claims set out in Count III to proceed on a class wide basis and certifying with regard to those claims a subclass pursuant to Federal Rule of Civil Procedure 23(b)(3) consisting of all H-2B temporary foreign workers who were employed by Deggeller Attractions, Inc. at the Arkansas State Fair in 2011, 2012 and/or 2013 ("the Arkansas subclass");
- d. Granting judgment in favor of the Plaintiffs and the other members of the H-2B contract subclass on their contract claims set forth in Count I and awarding each of them his or her actual and compensatory damages;
- e. Granting judgment in favor of Plaintiffs Andres Andrade-Quijano, Francisco
 Bernardo-Gonzalez, Andres Contreras-Hernandez, Frederik Hernandez-Luciano, Narciso
 Hernandezs-Zavaleta, Porfirio Hernandez-Zavaleta, Natanael Herrera-Barreda, Angel MartinezDamaso, Crisanto Ortiz-Ortiz and Enrique Vasquez-Alejo and the other members of the 26

U.S.C. §7434 subclass on their claims relating to Deggeller Attraction, Inc.'s willful filing of fraudulent information forms in 2009 and 2010 as set out in Count II, and awarding each of them \$5,000 in statutory damages in accordance with 26 U.S.C. §7434(b);

- f. Granting judgment in favor of Plaintiffs Francisco Bernardo-Gonzalez, Andres Contreras-Hernandez, Jesus Cuellar-Aguilar, Jose Daniel Cuellar-Aguilar, Frederik Hernandez-Luciano, Narciso Hernandez-Zavaleta, Natanael Herrera-Barreda, Javier Lopez-Celis, Crisanto Ortiz-Ortiz, Shanna Powell, Samuel Ronquillo-Juarez, Shenene Swanepoel and Enrique Vasquez-Alejo and the other members of the Arkansas subclass and awarding each of them the amount of unpaid minimum and overtime wages as well as liquidated damages for their work at the Arkansas State Fair during 2011, 2012 and/or 2013;
 - g. Awarding the Plaintiffs the costs of this action;
 - h. Awarding the Plaintiffs a reasonable attorney's fee; and
 - i. Granting such further relief as this Court deems just and equitable.

Respectfully submitted,

/s/ Annie B. Smith

Annie B. Smith
Arkansas Bar Number 2013005
University of Arkansas School of Law
1045 W. Maple Street
Waterman Hall – Room 107
Fayetteville, Arkansas 72701
Telephone: (479) 575-3056

Telephone: (479) 575-3056 Facsimile: (479) 575-2815 e-mail: abs006@uark.edu

/s/ Victoria Mesa

Victoria Mesa Florida Bar Number 076569 e-mail: Victoria@Floridalegal.Org

/s/ Vanessa Coe

Vanessa Coe Florida Bar Number 096788 e-mail: Vanessa@Floridalegal.Org

/s/ Gregory S. Schell

Gregory S. Schell Florida Bar Number 287199 e-mail: Greg@Floridalegal.Org

FLORIDA LEGAL SERVICES, INC.

508 Lucerne Avenue Lake Worth, Florida 33460-3819 Telephone: (561) 582-3921 Facsimile: (561) 582-4884

Attorneys for Plaintiffs

EXHIBIT I

DEGGELLER ATTRACTIONS, INC.

Temporary Labor Certification Applications (Form ETA 9142)

2010 - 2012

2010

OMB Approval: 1205-0456 Expiration Date 11/30/2011

Application for Temporary Employment Cellification VE 3

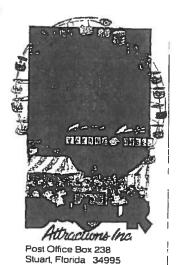


U.S. Department of Labor

JAN 25 2010

Please read and review the filing instructions carefully before completing the ETA Form 9142. Alcoholy of the instructions can be found at http://www.foreignlabbroort.doleta.gov/. In accordance with Federal Regulations, incomplete or carefully inscribed by the Department of Labor. If submitting this form non-electronically, ALL regulated resolutions containing an

	ompleted as well as an		sponse is conditi	onal as indicated by	desitems containing an the section (§) symbol.
-		supported by this appli	cation (Write class	ification symbol): *	H-2B
B. Temporary Need	Information				
1. Job Title *	Amusement Park	Worker			
2. SOC (ONET/OF 39-3091	S) code *	3. SOC (ONET/OES		eation Attendant	
4. Is this a full-time	position? *			Intended Employm	-
ŽĮ Yes	□ No	[mm/ddhoov]	4/01/2010	6. End Date	11/23/2010
25 _{Z1} Total	Worker Positions B	visa classification supp eing Requested for C	ertification *	lication	,
26 Z) a. No	w employment *	y approved employme		d. New concurren	
c. Ch	ange in previously app	proved employment *		f. Amended petition	on *
Seasonal 9. Statement of Ten	☐ Peakload ☐	lly one of the standards One-Time Occurrence	•	ent or Other Tempor	rary Need
		a temporary need	for amuseme	nt attendants be	cause our business
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ETA Form 9142 Case Number: 1002		ARTMENT OF LABOR I		od: <u>41110·</u> 10	Page 1 of 6



(407) 286-1950

ETA Form 9142 Section B.9. Statement of Temporary Need

(continued from ETA Form 9142)

County Fairs are the big events that mark the start of our busy months of April through November. I would like the workers to remain until November 23, 2010, to help clean and move the equipment to winter quarters. At the end of the carnival season, I have no work and no payroll for these amusement workers.

Our payroll records substantiate our seasonal need by showing that I have no wages for ride, game, and concession attendants in December, January, and February. The events in January and February are staffed by management and family members. Our ride operators, game attendants, and food servers begin employment in March, as indicated on our payroll report.

Copies of our executed contracts are available on request.

America's Spectacular Midway

OMB Approval: 1205-0466 Expiration Date: 11/30/201

Everything blackened has been redacted under exemption #6

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



8. Country * USA 9. 10. Telephone number * 772-286-1950 1						
Deggeller Attractions, Inc. 2. Trade name/Doing Business As (DBA), if applicable 3. Address 1 * PO Box 238 4. Address 2 5. City * Stuart 8. Country * USA 10. Telephone number * 772-286-1950	. Province N/A	7. Postal code * 34995				
2. Trade name/Doing Business As (DBA), if applicable 3. Address 1 * PO Box 238 4. Address 2 5. City * Stuart 8. Country * USA 10. Telephone number * 772-286-1950	. Province N/A	7. Postal code * 34995				
2. Trade name/Doing Business As (DBA), if applicable 3. Address 1 * PO Box 238 4. Address 2 5. City * Stuart 8. Country * USA 10. Telephone number * 772-286-1950	. Province N/A	7. Postal code * 34995				
PO Box 238 4. Address 2 5. City * Stuart 8. Country * USA 10. Telephone number * 772-286-1950	. Province N/A	7. Postal code * 34995				
4. Address 2 5. City * Stuart 8. Country * USA 10. Telephone number * 772-286-1950	. Province N/A	7. Postal code * 34995				
Stuart 9 8. Country * USA 9 10. Telephone number * 772-286-1950 1	. Province N/A	7. Postal code * 34995				
Stuart 9 8. Country * USA 9 10. Telephone number * 772-286-1950 1	. Province N/A	7. Postal code * 34995				
10. Telephone number * 772-286-1950	N/A					
772-286-1950	1. Extension					
	N/A					
12. Federal Employer Identification Number (FEIN from IRS) * 13	3. NAICS code (must be	at least 4-digits) *				
	713990					
14. Type of employer application (choose only one box below) *						
	Labor Contractor or Association – Joint Employer (H-2A only)					
LI ASSOC	ontractor					
D. Employer Point of Contact Information						
Important Note: The information contained in this Section must be that of an the employer in labor certification matters. The information in this Section must Section E, unless the attorney is an employee of the employer. For joint employer under the H-2A program, enter only the contact information for the mas joint employer) under the application.	<u>ist be different</u> from the ago	ent or attorney information a	Isted In			
Contact's last (family) name *						
Deggeller Catherine						
4. Contact's job title * Corporate Secretary		WITOWAL ON				
5 Address 1 *	ical Address: 3350 Sou	ithwest Deggeller Ct.	CA			
6. Address 2			initials			
7. City*	Palm Cit	y, FL 34990 -	41124			
Stuart 8.	State * FL 9.	Postal code * 34995	date			
10. Country USA	I. Province N/A					
12. Telephone number 13. Extension 14	I. E-Mail address					
772-215-2225 N/A	ddeggeller@gm	ail.com				
	33					

ETA Form 9142	FOR DEPARTMENT OF LABOR USE ONLY	Page 2 of 6
Case Number: 10027-49	OBS Case Status: Centified Validity Period: 4/1/10	10 11/23/10

OMB Approval: 1205-0456 Expiration Date: 11/30/2011

Everything blackened has been redacted under exemption #6

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



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Is/are the emplo (including association)	yer(s) represented by ons acting as agent ur	an att	omey or agen	t in the file	ing o	this applicati	ion	XYes	□ No
2. Attorney or Ager	r's last (family) name	5	3. First (give	en) name	§	complete Sec	4. Middle	name(s) §	
Pierce 5. Address 1 §			Robe	<u>rt</u>			Way	/ne	
1	3β Defense Highw	vay. S	Suite 106						
6. Address 2									
7. City §				8.	Stat	e 6	9. Pos	stal code §	
10. Country §	odis			11	MC) vince		401	
12. Telephone num	M S	140	F.A.			N/A			
	_		Extension	14	. E-N	Aail address			
410-573-9955 15. Law firm/Busin	ess name §		N/A		vpie	rce@adver	nturelaw.c	om	
The Pierce La	w Firm, LLC					TO. Law iiii	TVDDSINESS	LCIN 3	
17. State Bar numb	er (only if attorney) §			18	B. St	ate or mignesi	coon when	e attorney is in	good
Maryland dos	s not issue state !	bar n	umbers,	1		ng (only if attor Ma	ney) § Bryland		•
19. Name of the hig	hest court where attor	rney is	in good stand	ding (only	if atto	mey) §	,		
Court of Appe	als								
F. Job Offer Informa a. Job Description	tion								
1. Job Title *									
2. Number of hours	musement Park W	/orke	٢						
Basic *: 40	Overtime: N/A					ork Schedule			
	supervise the work o		r employees?	A.M.	(h:mr		number of	:mm): <u>11</u> : <u>00</u>	PM **
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5. Job duties – A de to continue and c	scription of the duties	to be	performed MU	IST begin	in th	is space. If n	ecessary, a	dd attachment	
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operate games; serve food. Hours and schedule vary. Work in all weather conditions. Must be able to lift and be physically mobile. Travel required and paid by employer to all locations listed									
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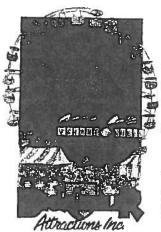
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Case Number 10027-149085	Case Status: Certified	Validity Period: 4111	

OMB Approval: 1205-0456 Expiration Date: 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



r's Master's Doctorate (PhD) Oth 1b. Indicate the major(s) and/or field(s) (May list more than one related major and more of the major and more of the major (s) and/or field(s) of the major (s) and	Of study required \$ ore than one field) Of study required \$				
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ckground check paid for by employ	er.				
and Exposition					
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4 County *					
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6. Postal code 1					
33165					
nove2 + LAYES LING					
7a. If Yes in question 7, Identify the geographic place(s) of employment with as much specificity as possible. If necessary, submit an attachment to continue and complete a listing of all anticipated worksites. § Due to the complexity of the information, please see the attached itinerary in employer letter.					
	Page 4 of 6				
	ea of intended bove? * Yes □ No employment with as much specificity as port of all anticipated worksites. \$ ase see the attached itinerary in embody and the specificity as port of all anticipated worksites. \$ ase see the attached itinerary in embody and the specificity as port of all anticipated worksites.				



Post Office Box 238 Stuart, Florida 34995 (407) 286-1950

Deggeller Attractions, Inc. 2010 Itinerary ETA Form 9142 F. c. 7a. Place of Employment Information

	1				
Date	Event	City	State	County	Wage
Apr 1 - 11	Dade County Fair	Miami	FL	Miami-Dade	\$7.64
Apr 1 - 11	Clay County Fair	Green Cove Springs	FL	Clay	\$7.33
Apr 16 – 18	Catholic Church	Jacksonville	FL	Duval	\$7.33
Apr 22 – 25	Community Fair	Dunn	NC	Harnett	\$7.25
Apr 24	Fort Bragg Children's Festival	Fort Bragg	NC	Cumberland	\$7.25
	Fort Bragg Spring Fair	Fort Bragg	NC	Cumberland	\$7.25
May 21 - 23	Pungo Strawberry Festival	Pungo	VA	Independent City South of VA Beach	\$7.25
Jun 4 – 6	Holy Family Church	Virginia Beach	IVA	Independent City	\$7.25
May 29 - Jun 27	Mount Trashmore Festival	Virginia Beach	IVAI	Independent City	\$7.25
Jul 1 - 11	Salem Fair	Salem	VA	Independent City	\$7.25
ul 13 = 19	Rockbridge Regional Fair	Lexington	VA	Rockbridge	\$7.25
ul 16 – 19	Artscape	Baltimore	MD	Baltimore	\$7.25
ur 20 - Aug 1	Fredericksburg Agricultural Fair	Fredericksburg	1 V A 1	Independent City	\$7.25
ו כו - חיעוור	Prince William County Fair	Manassas		Independent City	\$7.25

America's Spectacular Midway



Post Office Box 238 Stuart, Florida 34995 (407) 286-1950

Aug 7 - 15	Howard County		<u> </u>		
	Fair	West Friendship	MD	Howard	\$7.25
Aug 26 - Sep 6		Timonium	MD	Baltimore	\$7.00
Sep 10 - 20	Central Carolina				\$7.25
	- 413	Greensboro	NC	Guilford	\$7.25
Sep 23 - Oct 3	State Fair of	D. 1		Independent	
	T IIgiida	Richmond	VA	City	\$7.25
Oct 8 - 18	Arkansas State Fair	Little Rock	AR	Pulaski	
Oct 14 - 17	Church of Our		2 111	I Ulaski	\$7.25
	Savior	Cocoa Beach	FL	Brevard	\$7.31
Oct 20 - 24	St. Teresa's Church	Titusville	TT		
Nov 4 - 14	Volusia County Fair	Dalani		Brevard	\$7.31
	to orable County Fair	Deland	FL	Volusia	\$7.36

Catherine B. Deggeller Corporate Secretary December 16, 2009

America's Spectacular Midway

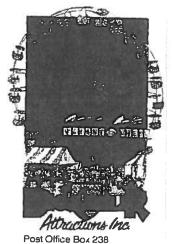
OMB Approvel: 1205-0466 Expiration Date: 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



	1.	o.s. Depart		001				
G. Rate of Pay								
1. Basic Rate of Pa	y Offered *		1a. Overti	me Rate of F	24 (I spallashin	16		
From: \$7.	25 To (Optional): \$ 7 . 64 ** From: \$ N/A . To (Optional): \$ N/A .					, g		
2. Per. (Choose	only one) *	7.07	F10111. 35 _		Fo (Optio	onal): \$ <u>N/A</u>		
Hour D Monk D Bitalestin D as a								
2a. If Piece Rate is	2a. If Piece Rate is indicated in question 2, specify the wage offer requirements: §							
Additional Wage Information (e.g., multiple worksite applications, itinerant work, or other special procedures). If necessary add attachment to continue and the special procedure of the special procedure of the special procedure.								
If necessary, add attachment to continue and complete description. §								
** Prevailing w	ndo moussiani financia							
FAO's for H-2B	ge may vary from or	ne area of inten	ided empl	oyment to	the next an	d as specified in Do		
1 / Cd 3 101 11-20	Certifications in the I	entertainment i	ndustry.					
4. For H-2A applica	tions where the rate of pa	ay is based upon n	nultiple cro	D OF BOTICULE	real			
activities, pleas filing of this appli	F CUITIIMI MAI ADDENNIY .	A.1 is complete an	d being sub	mitted with th		Yes □ No 🏋 N/A		
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H. Recruitment infor								
1. Name of State W	orkforce Agency (SWA) s	erving the area of	intended en	ployment *				
State of FIOT	DB Agency for Workf	orce Innovation	1					
1 .	entification number *	2a. Start date of	SWA job ord	ier *	2b. End date	of SWA job order *		
9451626	Adiain a of	12/31/2	009		01/10/	2009		
TIME INTER BITTHION	edition of a newspaper (rea of	XYes	□ No		
Name of	Newspaper/Publication (iii	n area of intended empl	oyment) *		Dates of Pri	nt Advertisement *		
The Miami	i Herald		-	From:		To:		
5. 6				From:	/03/2010	01/04/2010 To:		
6. Additional Recruit	tment Activities. Use the	space helow to ide	antify the hin	0(0) 05 00	n(n) of en en 11			
	ultment, <u>and</u> the date(s) o	on which recruitme	ent was cond	lucted. If nea	e(s) of recruit cessary, add a	ment, geographic		
Somming and Confi	ntiere description.							
Maintaining a re	Maintaining a reliable workforce for our property							
Maintaining a reliable workforce for our company is a constant challenge. Last year we advertised in The Palm Beach Post September 17-19, 2008, for our 2009 season. The ad was also placed on						e sanda medica medica de la constanta de la co		
in The Palm Bea	liable workforce for or o	ur company is a	a constant	challenge	Last year	we advertised		
an internet job se	earch site called Yah	17-19, 2008, foi oo Jobs and in	rour 2009 the Florid	season.	The ad was	also placed on		
an internet job se advertisements	earch site called Yah amd postings have vie	17-19, 2008, for oo Jobs and in elded iust one o	r our 2009 the Florid all each v	season. a job bank ear. One	The ad was In the las	also placed on t 2 years, these		
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Validity Period 4/11/0 to 11/23/10



Stuart, Florida 34995 (407) 286-1950

ETA Form 9142 Section H.6. Additional Recruitment Activities

(continued from ETA Form 9142)

the next season, we never know who will return until the start of the season. Because we do not have a sufficient number of amusement attendants who work with us all season, we also rely on local workers (walk-ups) who ask for work at some of our locations. We perform a background check and drug testing on all new workers for safety reasons and in order to meet our contractual requirements. Many of the walk-ups do not pass the screening and therefore we are unable to hire them. We can never reliably predict who will show up from one day to the next and from one event to the next. When we cannot obtain sufficient walk-up help, we try to hire workers from temporary employment agencies. Some agencies will not send us workers because their worker's compensation insurance does not cover carnival workers. Also, we plan to provide our job application on the home page of our web site, www.deggeller.com.

We seek pertification for fewer employees with an April 1 start date than we were certified for last year. This is because of the economy and our desire to continue to recruit U.S. workers to reach our full staffing level.

A stable workforce throughout our season greatly benefits our company and provides a safe and fun carnival experience for our patrons. We will continue to recruit and interview all interested applicants to reach our staffing needs of approximately 75 ride operators, game attendants, and food servers. We will attempt to hire U.S. workers by placing advertisements and job postings prior to recruiting foreign workers in compliance with the H-2B labor program. The results of that effort will be attached as a final recruiting report.

America's Spectacular Midway

OMB Approval: 1205-0466 Expiration Date: 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



	0.0.2	operation of Edbor				
I. Declaration of Em	ployer and Attorney/Agent					
as a condition for lec	ederal regulations, the employer mu eliying a temporary labor certification aridix B.1 will be considered incomp	trom the U.S. Denadmo	ont of Labor Applications	About Call to all to		
applicable terms, as	ations ONLY, please confirm that you have read and agree to all the spirances and obligations contained in Appendix A.2. § ☐ Yes ☐ No ☐ N/A					
2. For H-2B Applic applicable terms, as	ations ONLY, please confirm that you have read and agree to all the surrances and obligations contained in Appendix B.1. §			s Q No Q N/A		
J. Preparer						
Complete this section point of contact) or E	if the preparer of this application is a (attorney or agent) of this application	a person other than the c	one identified in either Sec	tion D (employer		
1. Last (family) nar	ne ş	2. First (given) name §		3. Middle initial §		
(Same as S	ection E)					
4. Job Title §						
5. Firm/Business n	ame §	0				
6. E-Mail address						
K IIS Government	Agency Use (ONLY)					
mere are not sunicien	ions of Section 101 (a)(15)(h)(ii) of t U.S. workers available and the emp in the U.S. similarly employed. By v pwing:	Dinument of the shove wi	I not adversaly affect the	same a mark straight to .		
This certification is v	valid from 4-1-10	to <u>11-23-10</u>				
			2 10 10			
Department of Labo	r, Office of Foreign Labor Certification	on	2-10-10 Determination Date (date	e signed)		
C-10027-4901) 85		Certified			
Case number			Case Status			
OMB Paperwork F	Reduction Act (1205-0466)					
Act, Section 101 (a)(1) response for H-2A and and maintaining the datestimate to the Office	ed to respond to this collection of informs a requirements is mandatory to obtain the \$)(H)(ii)). Public reporting burden for this 2 hours 45 minutes for H-2B, including that needed, and completing and reviewing Foreign Labor Certification * U.S. Department of the completed application to this	e benefits of temporary emplication of temporary emplication of information in the collection of information of the collection of information of the collection of the collect	loyment certification (Immigration and Immigration and Immigrations) searching existing data and Immigrations and Immigration	ation and Nationality 10 minutes per a sources, gathering		
ETA Form 9142	FOR DEPARTMENT OF	1.0		Page 6 of 6		
Case Number: 10027	49065 Case Status: <u>Co</u>	PHYLES Validity Pe	riod: 4/1/10 to 11	23/10		

OMB Control Number: 120\$-0466 Expiration Date: 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 – APPENDIX B.1 U.S. Department of Labor



For Use in Filing Applications Under the H-2B Non-Agricultural Program ONLY

A. Attorney or Agent Declaration

I hereby certify that I am an employee of, or hired by, the employer listed in Section C of the ETA Form 9142, and that I have been designated by that employer to act on its behalf in connection with this application. I also certify that to the best of my knowledge the information contained herein is true and correct. I understand that to knowingly lurnish false information in the preparation of this form and any supplement hereto or to aid, abet, or counsel another to do so is a felony punishable by a \$250,000 fine or 5 years in a Federal penitentiary or both (18 U.S.C. 1001)

	gent's last (family) name Pierce	First (given) name Robert	3. Middle initlal Wayne				
4. Firm/Busines	4. Firm/Business name						
	The Pierce Law Firm, LLC						
5. E-Mail addre	35						
	wpierce@adventurelaw.com						
6. Signature	_		7. Date signed				
RWay	me Pierce		01/22/2010				

B. Employer Declaration

By virtue of my signature below, I HEREBY CERTIFY the following conditions of employment:

- The job opportunity is a bona fide, full-time temporary position, the qualifications for which are consistent with the normal and accepted qualifications required by non-H-2B employers in the same or comparable occupations.
- The job opportunity is not vacant because the former occupant(s) is (are) on strike or tocked out in the course of a labor dispute involving a work stoppage.
- 3. The job opportunity is open to any qualified U.S. worker regardless of race, color, national origin, age, sex, religion, handicap, or citizenship, and the employer has conducted the required recruitment, in accordance with regulations, and has been unsuccessful in locating sufficient numbers of qualified U.S. applicants for the job opportunity for which certification is sought. Any U.S. workers who applied or apply for the job were or will be rejected only for lawful, job-related reasons, and the employer must retain records of all rejections.
- 4. The offered parms and working conditions of the job opportunity are normal to workers similarly employed in the area(s) of intended employment and are not less favorable than those offered to the foreign worker(s) and are not less than the minimum terms and conditions required by Federal regulation at 20 CFR 655, Subpart A.
- The offered wage equals or exceeds the highest of the prevailing wage, the applicable Federal, State, or local minimum wage, and the employer will pay the offered wage during the entire period of the approved labor certification.
- The offered wage is not based on commissions, bonuses or other incentives, unless the employer guarantees a wage paid on a weekly, of weekly, or monthly basis that equals or exceeds the prevailing wage, or the legal Federal or State minimum wage, whichever is highest.
- During the period of employment that is the subject of the labor certification application, the employer will comply with applicable Federal, State and local employment-related laws and regulations, including employment-related health and safety laws;
- B. The employer has not laid off and will not lay off any similarly employed U.S. worker in the occupation that is the subject of the <u>Application for Temporary Employment Certification</u> in the area of intended employment within the period beginning 120 days before the date of need, except where the employer also attests that it offered the job opportunity that is the subject of the application to those laid-off U.S. worker(s) and the U.S. worker(s) either refused the job opportunity or was rejected for the job opportunity for lawful, job-related reasons.

ETA Form 9142 - Appendix B.1	FOR DEPARTMENT OF LABOR USE ONLY	Page B. I c	of B.2
Case Number: 10027 - 49085	Case Status: Cartifuel Period of Employment	4/1/10 10 11/23/10	-

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Application for Temporary Employment Certification



ETA Form 9142 - APPENDIX B.1 U.S. Department of Labor

- The employen and its agents and/or attorneys have not sought or received payment of any kind from the employee for any activity related to obtaining labor certification, including payment of the employer's attorneys' fees, application fees, or recruitment costs. For purposes of this paragraph, payment includes, but is not limited to, monetary payments, wage concessions (Including deductions from wages, salary, or benefits), kickbacks, bribes, tributes, in kind payments, and free
- 10. Unless the H-28 worker is being sponsored by another subsequent employer, the employer will inform H-28 workers of the requirement that they leave the U.S. at the end of the period certified by the Department or separation from the employer, whichever is darlier, as required under § 655.35, and that if dismissed by the employer prior to the end of the period, the employer is liable for return transportation.
- 11. Upon the separation from employment of any foreign worker(s) employed under the labor certification application, if such separation octurs prior to the end date of the employment specified in the application, the employer will notify the Department and DHS in writing or any other method specified of the separation from employment not later than forty-eight (48) hours after such separation is discovered by the employer.
- 12. The employer will not place any H-2B workers employed pursuant to this application outside the area of intended employment listed on the Application for Temporary Employment Certification unless the employer has obtained a new temporary labor certification from the Department.
- The dates of temporary need, reason(s) for temporary need, and number of worker positions being requested for certification have been truly and accurately stated on the application.
- If the application is being filed as a job contractor, the employer will not place any H-2B workers employed pursuant to the tabor certification application with any other employer or at another employer's worksite unless:
 - The employer applicant first makes a bona fide inquiry as to whether the other employer has displaced or intends to displace a similarly employed U.S. worker within the area of intended employment within the period beginning 120 days before and throughout the entire placement of the H-28 worker, the other employer provides written confirmation that it has not so displaced and does not intend to displace such U.S. workers; and All worksites are listed on the certified Application for Temporary Employment Certification

I hereby designate the agent or attorney identified in section D (if any) of the ETA Form 9142 to represent me for the purpose of labor certification and, by virtue of my signature in Block 3 below, I take full responsibility for the accuracy of any representations made by

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge the information contained therein is true and accurate. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto ar to aid, abet, or counsel another to do so is a felony punishable by a \$250,000 fine or 5 years in the Federal penitentiary or both (18 U.S.C. 1001).

1. Last (family) name Deggeller	2. First (given) name Catherine	3. Middle initial B.
Title Corporate Secretary		
5. Signature Catherine Dez	peller	6. Date signed 01/20/2010

ETA Form 9142 - Appendix B.1		
	FOR DEPARTMENT OF LABOR USE ONLY	Page B 2 of B.2
Case Number: 10027-49085	Case Status Cortifical Period of Employment: 4/1/10	10 11/23/10
		1150110

2011

OMB Approval 1205-0465 Expiration Date 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



APR 13 2011



Please read and review the filing instructions carefully before completing the ETA Form \$1.42. A copy of the instructions can be found at http://www.foreignlaborcert.doleta.gov/. In accordance with Federal Regulations, incomplete or obviously inaccurate applications will not be certified by the Department of Labor. If submitting this form non-electronically, ALL required fields/items containing an asterisk (*) must be completed as well as any fields/items where a response is conditional as indicated by the section (§) symbol. A. Employment-Based Nonimmigrant Visa Information 1. Indicate the type of visa classification supported by this application (Write classification symbol): * H-2B B. Temporary Need Information 1. Job Title * Amusement Worker 2. SOC (ONET/OE\$) code * 3. SOC (ONET/OES) occupation title * 39-3091 Amusement and Recreation Attendant 4. Is this a full-time position? * Period of Intended Employment 5. Begin Date 1 XYes DNo 06/26/2011 -6. End Date * 11/23/2011 (тт/аа/үүүү) 7. Worker positions needed/basis for the visa classification supported by this application Total Worker Positions Being Requested for Certification * Basis for the visa classification supported by this application (indicate the total workers in each applicable category based on the total workers identified above) a. New employment * d. New concurrent employment * b. Continuation of previously approved employment * e. Change in employer * without change with the same employer c. Change in previously approved employment * f. Amended petition * 8. Nature of Temporary Need: (Choose only one of the standards) * ☐ Seasonal Peakload ☐ One-Time Occurrence $\hfill\square$ Intermittent or Other Temporary Need 9. Statement of Temporary Need * This petition complements our prior submission, ETA Case No. C-10356-52620, and is based upon our temporary need for peakload amusement attendants because our seasonal business has significantly more events and utilizes more equipment between late June and the end of our season in November. We also experience high turnover near the end of our season. We think that is because the workers are tired and want to get back to their families. Deggeller Attractions regularly employs full-time amusement workers at the events on our attached itinerary. We need to supplement this full-time staff on a temporary basis due to a short-term demand and these tempotary additions to staff will not become a part of our regular operation. Our carnival season begins in mid-January and ends in mid-November each year. The work offered is seasonal and for this period of time only. Since it is standard industry (continued on Attachment 1)

ETA Form 9142		EPARTMENT OF LABOR USE OF			Page 1 of 6
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Everything blackened has been redacted under exemption #6

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Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



C.	Employer Information
	Important Note: Enter the full name of the individual employer, partnership, or corporation and all other required information in this section

on behalf of more than one employer under the H-2A program, identify the main or primary employer in the section below and then submit a separate attachment that identifies each employer, by name, mailing address, and total worker positions needed, under the application. Legal business name Deggeller Attractions, Inc. 2. Trade name/Doing Business As (DBA), if applicable 3. Address 1 * mailing: PO Box 238 4. Address 2 physical: 3350 SW Deggeller Ct, Palm City, FL 34990 5. City 4 6. State * 7. Postal code * 34995 Stuart B. Country 9. Province USA N/A 10. Telephone number 11. Extension 772-286-2011 N/A 12. Federal Employer Identification Number (FEIN from IRS) 13. NAICS code (must be at least 4-digits) * 713990 Type of employer application (choose only one box below) * Mindividual Employer ☐ Association – Sole Employer (H-2A only) H-2A Labor Contractor or ☐ Association - Joint Employer (H-2A only) Job Contractor ☐ Association – Filing as Agent (H-2A only) ------D. Employer Point of Contact Information

Important Note: The Information contained in this Section must be that of an employee of the employer who is authorized to act on behalf of the employer in labor certification matters. The information in this Section must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer. For joint employer or master applications filled on behalf of more than one employer under the H-2A program, enter only the contact information for the main or primary employer (e.g., contact for an association filling as joint employer) under the application.

Contact's fast (family) name *	(fainily) name * 2. First (given) i		ntact's last (family) name * 2. First (given) name *		3. Middle name(s) *
Deggeller	Catherine		В.		
4. Contact's job title " Corporate Secretary					
5. Address 1 * mailing: PO Box 238					
6. Address 2 physical: 3350 SW Degge	ller Ct, Palm C	ity, FL 34990			
7, City * Stuart		8. State * FL	9. Postal code * 34995		
10 Country USA		11. Province N/A			
12. Telephone number * 13. Extension		14. E-Mail address			
772-215-2225	N/A ddegge		gmail.com		

ETA Form 9142	FOR DEPARTMENT OF LABOR USE ONLY	Page 2 of (
Case Number: C-11103-54715	Case Status: CERA Rec Validity Peri	iod: 10-26-11 to 11-23-11

Everything blackened has been redacted under exemption #6

OMB Approval 1205-0465 Expiration Date 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



1. Islare the employer(s) represented by an attorney or agent in the filing of this application (including associations acting as agent under the H-ZA program)? If "Yes", complete Section E. 2 Xyes Nature or Agent's last (family) name \$ 3 First (given) name \$ 4. Middle name(s) \$ Pierce 1. Address 1 \$ 3. Address 1 \$ 3. Address 1 \$ 4. Middle name(s) \$ 4. Middle name(s) \$ 8. Address 2 \$ 133 Defense Highway, Suite 106 \$ 8. Address 2 \$ 1. Annapolis 1. Country \$ 9. Postal code \$ 11. Province 1. Province 1. Province 1. E-Mail address						
2 Attorney or Agent's last (family) name \$ 3 First (given) name \$ 4. Middle name(s) \$ Pierce Robert Wayne 5. Address 1 \$ 133 Defense Highway, Suite 106 6. Address 2 7. City \$ 11. Province M/A 12. Telephone number \$ 13. Extension 14. E-Mail address 410-573-9955 N/A obown@adventurelaw.com 15. Law firm/Business name \$ 16. Law firm/Business Fein \$ 16. Law firm/Business Fein \$ 18. State of nighest court where attorney is in good standing (only if attorney) \$ Maryland 19. Name of the highest court where attorney is in good standing (only if attorney) \$ Maryland 19. Name of the highest court where attorney is in good standing (only if attorney) \$ Court of Appeals Job Offer Information a. Job Description 1. Job Title * Arthusement Worker 2 Number of hours of work per week Basic *: 30-40 Overtime: N/A	The state of the s					
2 Attorney or Agent's last (family) name \$ 3 First (given) name \$ 4. Middle name(s) \$ Pierce Robert Wayne 5. Address 1 \$ 133 Defense Highway, Suite 106 6. Address 2 7. City \$ 11. Province M/A 12. Telephone number \$ 13. Extension 14. E-Mail address 410-573-9955 N/A obown@adventurelaw.com 15. Law firm/Business name \$ 16. Law firm/Business Fein \$ 16. Law firm/Business Fein \$ 18. State of nighest court where attorney is in good standing (only if attorney) \$ Maryland 19. Name of the highest court where attorney is in good standing (only if attorney) \$ Maryland 19. Name of the highest court where attorney is in good standing (only if attorney) \$ Court of Appeals Job Offer Information a. Job Description 1. Job Title * Arthusement Worker 2 Number of hours of work per week Basic *: 30-40 Overtime: N/A	Is/are the employer(s) represented by	y an attorney or ager	nt in the filing of this	s application	ж	5
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around from and ends around 10 or 11 p.m. This commonly happens at larger events such as accurate	of the contracts that we have wi	th our event soor	isors and the w	asthor Compting	o can vary be	caus
fairs and/or on Fridays, Saturdays, or Sundays.	around noon and ends around 1	O or 11 n m. This	COMMONIA 5	cauler. Sometim	les the even	ι open
and the state of t	fairs and/or on Fridays Saturday	ue or Sundana	commonly hap	ppens at larger ev	ents such a	s cour
		ya, oi Sundays.				

ETA Form 9142

FOR DEPARTMENT OF LABOR USE ONLY

Page 3 of

Case Number, C-11103-54-115

Case Statur: Capified Validity Period: 6-76-11 to 11-23-11

OMB Approval: 1205-0466 Expiration Date: 11/30/2011

. Application for Temporary Employment Certification ETA Form 9142



U.S. D.	epartment of Labor			
F. Job Offer Information (continued)				
b. Minimum Job Réquirements				
Education; minimum U.S diploma/degree required *		-		
None ☐ High School/GED ☐ Associate's ☐ Bache 1a. If "Other degree" in guestion 1, specify the diplomater.	Inr's O Master's O Docto	ente (DED). El oc		
	I io. Indicate the maio	r(s) and/or field(s	a) of study ro	nuico d C
degree required §	(May list more than one	related major and r	nore than one	lield)
N/A		N/A		
2. Does the employer require a second U.S. diploma/de	gree? *		☐ Yes	òX No
2a. If "Yes" in question 2, indicate the second U.S. diplo	ma/degree and the major(s) and/or field(s)	of study regu	ired 6
N/A				
3 Is training for the job opportunity required? *			□ Yes	×Νο
3a. If "Yes" in question 3, specify the number of	3b. Indicate the field(s)/name(s) of train	ning required	2
months of training required §	(May list more than one re	elated field and mo	re than one typ	e)
N/A		·N/A		
4. Is employment experience required? *	*		☐ Yes	XNo
4a. If "Yes" in question 4, specify the number of months of experience required §	4b. Indicate the occup	ation required §		
N/A		N/A		
5. Special Requirements - List specific skills, licenses/cer	tifications, and requiremen	its of the job opp	ortunity *	
will st pass drug test and background check	k paid for by employe	This require	amont in it.	-A:5:1 5-
all the same reasons detailed in our prior foreig	n labor certification a	naliantian fa	ciricin is ju	Stilled lot
ETA Case No. C-10356-52620. That Case was	n labor certification a	philication for s	seasonal w	orkers on
ETA Case No. C-10356-52620. That Case wa	s approved for this sp	ecial requirem	nent.	
c. Place of Employment Information				
Works te address 1 *				
Salem Fair				
2 Address 2 100/1 Roanoke Blvd				
3. City *		4. County *		
Salem		Roanoke		
5. State/District/Territory *		6. Postal code	•	
7. Will work be performed in multiple worksites within an a		24015		
employment or a tocation(s) other than the address listed	ahove? •	Yes No		
7a If Yes in question 7, identify the geographic place(s) of	of employment with ac mus	h specificity as r	nesible If n	BC055371
submit an attachment to continue and complete a listing	ng of all anticipated worksi	tes. §	,0031D16, 11 []	ccessary,
Due to the complaying of the information of				
Due to the complexity of the information, ple	ease see the attached	itinerary in er	nployer let	ter.
(Attacr	nment 2)			
	6			
		8		
	it.			
ETA Form 9147				

FOR DEPARTMENT OF LABOR USE ONLY

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Case Number: C-11173-54715

Came Status: (42+19cd Validity Period: 626-11 to 11-23-11

OMB Approval 1205-0466 Expiration Date 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



G. Rate of Pay					
Basic Rate of Pay Offered *		1a. Overtin	ne Rate of F	ay (if applicable,	16
From: \$ 7 . 25 To (Optional): \$					
2. Per: (Choose only one) *					
2a. If Piece Rate is indicated in question 2,	Week Bi-We	ekly 🗆 Mor	nth 🗆 Yea	r 🗆 Piece P	Rete
The state of the s	specify the wage o	mer requirem	ents; §		•
3. Additional Wage Information (e.g., multiple	e worksite applica	tions, itineran	t work, or o	ther special or	rocedures)
If necessary, add attachment to continue	and complete des	cription. §	,		
** Prevailing wage may you from an					•
** Prevailing wage may vary from on FAQ's for H-2B Certifications in the E	e area or inten	dea employ	ment to t	he next and	as specified in Dol
Control of the 2B Certifications in the E	intertainment ir	laustry.			
		.•			
For H-2A applications where the rate of partial districtions, please confirm that Appendix	y is based upon r	nultiple crop	or agricult		
filing of this application, §	A. I is complete ar	ia being subm	nitted with th	le 🔲 🔾	Yes O No XNIA
H. Recruitment Information					
Name of State Workforce Agency (SWA) s Virginia Workforce Connection	erving the area of	intended emp	oloyment *		
2. SWA job order identification number *		Olava i ii ii			
208591	2a. Start date of		er"	1	e of SWA job order *
3. Is there a Sunday edition of a newspaper	03/24/2 of general circulat	UIII	an of		/04/2011
intended employment?				XYes	
Name of Newspaper/Publication (i	n area of intended emp	loyment) *	-	Dates of Pri	nt Advertisement *
The Roanpke Times			From: 03/27	//2011	To: 03/28/2011
5.			From:		To:
6. Additional Recryitment Activities. Use the location(s) of recruitment, and the date(s)	space below to id	entify the type	(s) or source	e(s) of recruit	I tment, geographic
location(s) of recruitment, and the date(s) continue and complete description.	on which recruitme	ent was condu	icted. If ne	cessary, add a	attachment to
For our 2011 seasonal need (ETA Ca	ase No. C-10356	5-52620) we	advertice	d in The St I	Potorchura Times
the employ Florida website. Four people	applied and 2 w	ere offered i	obs Neith	er of those 1	workers showed up
to work for us when our season started. C	ne of those wor	kers did call.	to let us ki	now that he i	found another ich and
was no longer interested in working for us	. For our 2010 t	eakload sea	ason we a	dvertised in	The Peaneke Times
and the virginia jub bank. That adventsel	ment and posting	vielded no	applicants	We also no	ace newspaper ada at
some of our ranger rain locations such as I	imonium, Maryli	and. We use	The Balti	more Sun fo	r that location and
mave illied a couple of workers who were	Willing to work th	at one snot	only Alec	for the 2000	9 season, we
advertised in the Florida Times-Union and	i ine Stuart New	s and hired	one perso	n.	
We have some employees who work	with us each vea	ar. Although	we invite	these worker	rs hack for the next
We have some employees who work with us each year. Although we invite these workers back for the next season, we never know who will return until the start of the season. Because we do not have a sufficient number					
of amusement attendants who work with us all season, we also rely on local workers (walk-ups) who ark for west					
at some of our locations. We perform a ba	ackground check	k and drug te	sting on a	ll new worke	rs for safety reasons
(conf	inued on Attach	ment 3) .			
ETA Form 9142 FOR DEPAR	IMENT OF LABOR	USE ONLY			

ETA Form 9142 FOR DEPARTMENT OF LABOR USE ONLY Page 5 of 6

Case Number: C-11108-54-115 Case Status: CRRT Flood Validity Period: 6-26-11 to 11-23-11

OMB Approval 1205-0466 Expirat on Date 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



U.S. 1	Department of Labor	S. S
I. Declaration of Emptoyer and Attorney/Agent		Part 18.
In accordance with Federal regulations, the employer m as a condition for receiving a temporary labor certification Appendix A.2 or Appendix B.1 will be considered incompanies.	plete and not accepted for processing by	s, assurances and obligations oplications that fail to attach the ETA application processing
For H-2A Applications ONLY, please confirm that ye applicable terms, assurances and obligations contains	din Appendix A 2 c	□ Yes □ No 💆 N/A
For H-2B Applications ONLY, please confirm that you applicable terms, assurances and obligations contained.	ou have read and agree to all the d in Appendix B.1. §	XYes □ No □ N/A
J. Preparer Complete this section if the preparer of this application is point of contact) or E (attorney or agent) of this application	a person other than the one identified in n.	either Section D (employer
Last (family) name §	2. First (given) name §	3. Middle initial §
(Same as Section E)		o. made initial g
4. Job Title §		
5. Firm/Business hame §		
6. E-Mail address § K. U.S. Government Agency Use (ONLY) Pursuant to the provisions of Section 101 (a)(15)(h)(ii) of there are not sufficient U.S. workers available and the emponditions of workers in the U.S. similarly employed. By vacknowledges the following: This certification is valid from	irtue of the signature below, the Departm	nended, I hereby certify that affect the wages and working ent of Labor hereby
Department of Labor, Office of Foreign Labor Certification C-11103~54 715 Case number	Determination I	Date (date signed)
OFED D	A STATE OF THE PARTY OF THE PAR	والمستسامة منا فساوفتناه كالدجية بيثانه بسدسه فيبرد برشيه الكاليانية وأيسير
OMB Paperwork Reduction Act (1205-0466) Persons are not required to respond to this collection of informal reply to these reporting requirements is mandatory to obtain the Act, Section 101 (a)(15)(H)(ii)). Public reporting burden for this response for H-2A and 2 hours 45 minutes for H-2B, including the and maintaining the data needed, and completing and reviewing estimate to the Office of Foreign Labor Certification * U.S. Depa DC * 20210. Do NOT send the completed application to this	collection of information is estimated to average he time for reviewing instructions searching eg g the collection of information. Send comment	n (Immigration and Nationality ge 2 hours 10 minutes per tisting data sources, gathering
ETA Form 9142 FOR DEPARTMENT OF	Labor use only	Page 6 of 6
Case Number: C-1110-3-54-115 Case Status: CE	. =	•

OM8 Control Number 1205-0466 Expiration Date 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 – APPENDIX B.1 U.S. Department of Labor



For Use in Filing Applications Under the H-2B Non-Agricultural Program ONLY

A. Attorney or Agent Declaration

I hereby certify that I am an employee of, or hired by, the employer listed in Section C of the ETA Form 9142, and that I have been designated by that employer to act on its behalf in connection with this application. I also certify that to the best of my knowledge the information contained herein is true and correct. I understand that to knowingly furnish false information in the preparation of this form and any supplement hereto or to aid, abet, or counsel another to do so is a felony punishable by a \$250,000 fine or 5 years in a Federal penitentiary or both (18 U.S.C. 1001).

Attorney or Agent's last (family) name Pierce	2 First (given) name Robert	3	l. Middle initial Wayne	
4. Firm/Business name				
The Pierce Law Firm	LLC			
obowp@adventurela	w.com			
6. Signature		7.	Date signed	
RWayne Piero	e e		12Apr/1	

B. Employer Declaration

By virtue of my signature below, I HEREBY CERTIFY the following conditions of employment:

- The job opportunity is a bona fide, full-time temporary position, the qualifications for which are consistent with the normal and accepted qualifications required by non-H-2B employers in the same or comparable occupations.
- The job opportunity is not vacant because the former occupant(s) is (are) on strike or locked out in the course of a labor dispute involving a work stoppage.
- 3. The job opportunity is open to any qualified U.S. worker regardless of race, color, national origin, age, sex, religion, handlcap, or citizenship, and the employer has conducted the required recruitment, in accordance with regulations, and has been unsuccessful in locating sufficient numbers of qualified U.S. applicants for the job opportunity for which certification is sought. Any U.S. workers who applied or apply for the job were or will be rejected only for lawful, job-related reasons, and the employer must retain records of all
- 4. The offerediterms and working conditions of the job opportunity are normal to workers similarly employed in the area(s) of intended employment and are not less favorable than those offered to the foreign worker(s) and are not less than the minimum terms and conditions required by Federal regulation at 20 CFR 655, Subpart A.
- The offered wage equals or exceeds the highest of the prevailing wage, the applicable Federal, State, or local minimum wage, and the employer will pay the offered wage during the entire period of the approved labor certification.
- The offered wage is not based on commissions, bonuses or other incentives, unless the employer guarantees a wage paid on a weekly, bijweekly, or monthly basis that equals or exceeds the prevailing wage, or the legal Federal or State minimum wage, whichever is highest.
- Ouring the period of employment that is the subject of the labor certification application, the employer will comply with applicable Flederal, State and local employment-related laws and regulations, including employment-related health and safety laws;
- 8. The employer has not laid off and will not lay off any similarly employed U.S. worker in the occupation that is the subject of the <u>Application for Temporary Employment Certification</u> in the area of intended employment within the period beginning 120 days before the date of need, except where the employer also attests that it offered the job opportunity that is the subject of the application to those laid-off U.S. worker(s) and the U.S. worker(s) either refused the job opportunity or was rejected for the job opportunity for lawful, job-related reasons.

EFA Form 9142 - Appendix B.1	FOR DEPARTMENT OF LABOR USE ONLY		Page B.1 of B.2
Case Number (-1108-54/15	Case Status: C4R+1Fiel Period of Employment: 10-76-11	la	

OMB Control Number 1205-0466

Application for Temporary Employment Certification ETA Form 9142 - APPENDIX B.1 U.S. Department of Labor



- The employer and its agents and/or attorneys have not sought or received payment of any kind from the employee for any activity related to obtaining labor certification, including payment of the employer's attorneys' fees, application fees, or recruitment costs. For purposes of this paragraph, payment includes, but is not limited to, monetary payments, wage concessions (including deductions from wages, salary, or benefits), kickbacks, bribes, tributes, in kind payments, and free
- 10. Unless the H-2B worker is being appropried by another subsequent employer, the employer will inform H-2B workers of the requirement that they leave the U.S. at the end of the period certified by the Department or separation from the employer, whichever is earlier, as required under § 655.35, and that if dismissed by the employer prior to the end of the period, the employer is liable for return transportation.
- Upon the separation from employment of any foreign worker(s) employed under the labor certification application, if such separation occurs prior to the end date of the employment specified in the application, the employer will notify the Department and DHS in writing or any other method specified of the separation from employment not later than forty-eight (48) hours after such separation is discovered by the employer.
- 12. The employer will not place any H-2B workers employed pursuant to this application outside the area of intended employment listed on the Application for Temporary Employment Certification unless the employer has obtained a new temporary labor certification from the Department.
- 13. The dates of temporary need, reason(s) for temporary need, and number of worker positions being requested for certification have been truly and accurately stated on the application.
- 14. If the application is being filed as a job contractor, the employer will not place any H-2B workers employed pursuant to the labor certification application with any other employer or at another employer's worksite unless:
 - The employer applicant first makes a bona fide inquiry as to whether the other employer has displaced or intends to displace a similarly employed U.S. worker within the area of intended employment within the period beginning 120 displace a similarly employed of 5. Worker within the election intended employment within the period beginn days before and throughout the entire placement of the H-2B worker, the other employer provides written donlitimation that it has not so displaced and does not intend to displace such U.S. workers; and All worksites are listed on the certified Application for Temporary Employment Certification

I hereby designate the agent or attorney identified in section D (if any) of the ETA Form 9142 to represent me for the purpose of labor certification and, by virtue of my signature in Block 3 below, I take full responsibility for the accuracy of any representations made by my agent or attorney.

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge the information contained therein is true and accurate. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a felony punishable by a \$250,000 fine or 5 years in the Federal penitentiary or both (18 U.S.C. 1001).

Last (family) hame Deggeller	2. First (given) name Catherine	3. Middle initial B.
Title Corporate Secretary		
5. Signature Catherine B. Wezzeller		6. Date signed
	01	04/06/2011

ETA Form 9142 - Appendix B.1

FOR DEPARTMENT OF LABOR USE ONLY

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Case Number C-1103-54715 Cise Status: Cachfied Period of Employment: 1020-11 to 11-23-11

2012

OMB Approval: 1205-0466 Expiration Date: 11/30/2011

Application for Temporary Employment Certification (ETA Form 9142

U.S. Department of Labor

EEC 30 2011



Please read and review the filing instructions carefully before completing the ETA Form \$142. A copy of the instructions can be found at http://www.foreignlaborcert.doleta.gov/. In accordance with Federal Regulations, incomplete or attitional formations will not be certified by the Department of Labor. If submitting this form non-electronically, http://www.foreignlaborcert.doleta.gov/. In accordance with Federal Regulations, incomplete or applications will not be certified by the Department of Labor. If submitting this form non-electronically, ALL required fields/items containing an esterisk (*) must be completed as well as any fields/items where a response is conditional as Indicated by the section (§) symbol.

	a information			
Indicate the type of visa classification su	upported by this application	(Write classificati	on symbol): *	H-2B
Temporary Need Information				
1. Job Title * Amusement Worke	er		······································	
2. SOC (ONET/OE\$) code *	3. SOC (ONET/OES) occ	upation title *		
39-3091	Amusement	and Recreati	on Attendan	t
4. Is this a full-time position? *		Period of Inter	nded Employn	nent
	(mm/dd/yyyy)	/2012	6. End Date	11/21/2012
7. Worker positions needed/basis for the vi	isa classification supported	by this applicat	ion	/
504 Total Worker Positions Bei	ing Requested for Certific	cation *		
Basis for the visa classification supporte (Indicate the total workers in each applicable	ed by this application	orkers Identified a	hove\	
504% a. New employment *	•			nt employment *
b. Continuation of previously without change with the sar	approved employment *	е.	Change in em	ployer *
c. Change in previously appre		f.	Amended petiti	on *
3. Nature of Tempotary Need: (Choose only	y one of the standards) *			
	One-Time Occurrence	☐ Intermittent o	or Other Tempo	rary Need
). Statement of Temporary Need * Deggeller Attractions, Inc. has a temporary	ary need for amusement w	orkers because	our business is	seasonal.
Our carnival season begins in mid-Janu ne only. Since it is standard industry practions ange only slightly to reflect that we begin of an usery event is small and has lower attends in the staff to meet the needs of our control or state Fair event in February. We require an inguity and moving and setting up equipment to reseasonable, clean, and move equipment to reflect amusement workers. This period of our payroll records substantiate our seasonable.	tice to sign multi-year control on a certain day of the wee lance, we do not utilize all of racts prior to our first big ex- luest that our certification be ent for our first event. We we winter quarters. At the en- of time is not considered a l	acts, we work at the rather than a soft our equipment went and want the egin February 1 tant the workers dof the carnival lay-off or vacationat I have no want the workers at I have no want the workers at I have no want to the carnival lay-off or vacationat I have no want to the carnival lay-off or vacationat I have no want to the carnival lay-off or vacationat I have no want to the carnival lay-off or vacationat I have no want to the carnival lay-off or vacationat I have no want to the carnival lay-off or vacationates.	the same sites specific date of the control of the	tevery year. The detest the year. Because the believe we will have aton to begin with our orders time for orientatic November 21 to help no work and no payrol
Out payroil records substantiate our sea	asonal need by showing the management and family m	at I have no wag embers.	jes for att	endar

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C. ...

Everything blackened has been redacted under exemption #6

OMB Approval: 1205-0486 Expiration Date: 11/30/2011

Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



C.	Emp	over	Infor	mation
----	-----	------	-------	--------

1. Legal business name

3. Address 1 *

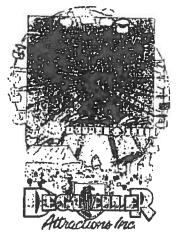
Deggeller Attractions, Inc.

2. Trade name/Doing Business As (DBA), if applicable

Important Note: Enter the full name of the individual employer, partnership, or corporation and all other required information in this section. For joint employer or master applications filed on behalf of more than one employer under the H-2A program, identify the main or primary employer in the section below and then submit a separate attachment that identifies each employer, by name, mailing address, and total worker positions needed, under the application.

mailing. PU Box 238			
4. Address 2 physical: 3350 SW Degg	jeller Ct, Palm	City, FL 34990	
5. City * Stuart		6. State * FL	7. Postal code * 34995
8. Country * USA		9. Province N/A	
10. Telephone number * 772-286-2011		11. Extension N/A	
12. Federal Employer Identification Number (FE	IN from IRS) *	13. NAICS code (mu	st be at least 4-digits) *
14. Type of employer application (choose only on	a hay hatawi t	713990	
ሿ Individual Employer □ H-2科 Labor Contractor or Job Contractor	□ As □ As	ssociation – Sole Emplo sociation – Joint Emplo sociation – Filing as Ag	yer (H-2A only)
D. Employer Point of Contact Information Important Note: The Information contained in this Se the employer in laboricertification matters. The inform Section E, unless the latterney is an employee of the employer under the H-2A program, enter <u>only</u> the cor as joint employer) under the application.	nation in this Section employer. For loint e	<u>must be different</u> from the	agent or attorney information listed in
Contact's last (family) name *	2. First (given) r	name *	3. Middle name(s) *
Deggeller	Catherine	3	В.
4. Contact's job title * Corporate Secretary			
5. Address 1 mailing: PO Box 238			
6. Address 2 physical: 3350 SW Degge	ler Ct, Palm Ci	ty, FL 34990	
7. City * Stuart		8. State * FL	9. Postal code * 34995
10. Country USA		11. Province N/A	
12. Telephone number *	13. Extension	14. E-Mail address	
772-215-2225	N/A	ddeggeller@	gmail.com
·			

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Post Office Box 238 Sluart, Florida 34995 (772) 286-1950

ETA Form 9142 Section H.6. Additional Recruitment Activities Attachment 3

(continued from ETA Form 9142)

Our 2010 pre-season advertising resulted in job offers to 4 workers, who then did not show up when our season started. Two workers were hired from our 2011 pre-season recruiting. Again, neither of these workers worked even one day for us when our season began. Sometimes we place newspaper ads at some of our larger fair locations such as Timonium, Maryland. For that event, we use *The Baltimore Sun* for supplemental recruiting and have hired a couple of workers who were willing to work that one spot only. At the end of our 2011 season we announced an incentive for our current workers to help us recruit local workers. They have the opportunity to earn a substantial bonus at the end of the 2012 season if they refer a new worker to us and meet this criteria: a \$250 bonus is earned if the new worker stays 60 days, another \$250 bonus is earned if the new worker stays 5 months, and another \$500 bonus is earned if the new worker stays for the whole season. We will post this incentive offer on our website www.deggeller.com.

A stable workforce throughout our season greatly benefits our company and provides a safe and fun carnival experience for our patrons. The 2012 pre-season advertising specified in Section H of our ETA Form 9142 exceeds the minimum advertising requirements for the H-2B program. The newspaper ad also appeared online at www.monster.cqm. We will continue to recruit and interview all interested applicants to reach our staffing needs of approximately 65-75 amusement workers. We will attempt to hire U.S. workers by placing advertisements and job postings prior to recruiting foreign workers in compliance with the H-2B labor program. The results of these efforts will be attached as a final recruiting report.

America's Spectacular Midway

Everything blackened has been redacted under exemption #6

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Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



E. Attorney or Agent Information (If app						
Is/are the employer(s) represented by (including associations acting as agent up 2.2.4.	nder the H-2A progra	t in the filing of am)? If "Yes", o	this application	on F. *	XYes	□ No
2. Attorney or Agent's last (family) name	§ 3. First (give	en) name §	4	. Middle	name(s) §	
Pierce	Robert			Wayn	10	
5. Address 1 §				- VVGYII	6	
133 Defense Highway	, Suite 106					
7. City §		0.04-1				
Annapolis		o. State			tal code §	
10. Country §		11. Prov			1401	
12. Telephone number §	13. Extension	14 5 14	N/A			
	is. Extension	14. E-M	ail address			
410-573-9955	N/A	obov	wp@advent	urelaw.c	om	
15. Law firm/Business name §		T	16. Law firm/	Business I	FEIN §	
The Pierce Law Firm, LLC		1				
17. State Bar number (only if attorney) §	U)	18. Sta	te of highest c	ourt where	attorney is in	good
Maryland does not issue state be	ar numbers.	standing	g (only if attorne Maryl	y) §	•	•
19. Name of the highest court where atto		ling (agle if allow	IVIGITY!	and		
Court of Appeals	may is all Bood stalle	mig (only it attort	ney) §			
the east surface of a graph and an endogeneral and an end of the surface of the end of t						
F. Job Offer Information						
a. Job Description						
1. Job Title * Amysement Worker						
2. Number of hours of work per week						
Basic *: 40 Overtime: N/A	Δ	3. Hourly Wor				
4. Does this position supervise the work of		A.M. (h:mm): <u>3 :00 P</u> I			PM **
		☐ Yes X No	4a. If yes, n worker will s	upervise (if annlicable) s	N/A
 Job duties – A description of the duties to continue and domplete description. 	to be performed MU	ST begin in this	s space. If nec	essary, a	dd attachment	
Serve food; erect, tear down, opera	ne, and maintain	games, colle	ect tickets/fe	es; assi	st patrons. I	Hours
and schedule vary. Work outside in	ran weather con	aitions, Must	be able to	ift and b	e physically	mobile.
Travel to all locations required and 7a. Place of Employment Information	brovided by emb	loyer as liste	d on attach	ed itiner	ary (Section	F. c.
Ta. Flace of Employment imormatio	on).					
(*Subject to industry possible						
(*Subject to industry practice, e.g., rain	outs, brief periods	without sched	iuled events,	and unfo	reseen canc	ellations.)
(**As stated on our ETA Form 9141 or	ir bourly wark a-b-	المستوان	1.4 1			
(**As stated on our ETA Form 9141, ou contracts we have with our individual end or 11 pm. This hammen is accounted.	rent shopsore So	matimes the	KIY hours var	y becaus	e of the wear	ther and
10 or 11 pm. This commonly occurs at	larger events and	meumes me	event opens a	around no	oon and ends	around
or Sundays.)	anger events sucr	as county ar	iu statė fairs	and/or or	n Fridays, Sa	turdays,
ETA Form 9142 FOR DEP	ARTMENT OF LARO	2 LIGE ONLY				

ETA Form 9142	FOR DEPARTMENT OF LABOR USE ONLY	N 2 - 5 6
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Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



			15.20	
. Job Offer Information (continued)				
b. Minimum Job Requirements				
1. Education: minimum U.S. diploma/degree required *				
X None ☐ High School/GED ☐ Associate's ☐ Bachelo	r's [] Master's [] Desterate (PhD)	C Other decree (ID 140 -4- 4	
1s. If "Other degree" in question 1, specify the diploma/	1b. Indicate the major(s) and/or	field(s) of study rec	U, MD, etc.)	
degree required §	(May list more than one related majo	r and more than one	field)	
N/A	N/A			
2. Does the employer require a second U.S. diploma/deg	ree? *	☐ Yes	ŽίΝο	
2a. If 'Yes' in question 2, Indicate the second U.S. diplom N/A	a/degree and the major(s) and/or fi	eld(s) of study requ	ired §	
3. Is training for the job opportunity required? *		☐ Yes	ΧNο	
3a. If "Yes" in question 3, specify the number of months of training required §	3b. Indicate the field(s)/name(s) (May list more than one related field a	of training required	8	
N/A	N/A		10)	
4. Is employment experience required? *	10/1		×	
4a. If "Yes" in question 4, specify the number of	4b. Indicate the occupation requi	□ Yes	ĭX.No	
months of experience required §	N/A	160 9		
5. Special Requirements - List specific skills, licenses/cert		th annual rath.		
(See Attachm				
c. Place of Employment Information				
Worksite address 1 * Florida State Fair				
2. Address 2 4800 Highway 301 North		*		
3. City •	4. Coun	ty *		
Years		lillsborough	orough	
5. State/District/Territory * FL 6. Postal code		Loode *		
7 Will work he performed in multiple workships within an area of internal		33610		
employment or a location(s) other than the address listed to	bove? " Lanyes	□ No		
7a. If Yes in question 7, identify the geographic place(s) o submit an attachment to continue and complete a listin	f employment with as much specific	ity as possible. If r	ecessary,	
•	•			
Due to the complexity of the information, ple	ase see the attached itinerary	y in employer le	tter.	
(see	Attachment 2)			

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					Constitution of the second
G. Rate of Pay					
Basic Rate of Pay Offered *		1a. Overtim	e Rate of F	Pay (il applicabl	al S
From: \$ 7 . 57 To (Optional): \$	8 29 *	From: \$ N			
2. Per: (Choose pnly one) *	*				ional): \$ <u>N/A</u>
M Have m	Week D Bi-We	akiy 🗆 Mor	th 🗆 Yea	ar 🗆 Piece	Rate
2a. If Piece Rate is indicated in question 2,	specify the wage o	ffer requireme	ents: §		
3. Additional Wage Information (e.g., multipl	e worksite applica	tions itinerant	Work or o	ther enecial	· · · · · · · · · · · · · · · · · · ·
If necessary, add attachment to continue	and complete des	cription. §	WOIN, OF U	mer special p	procedures).
A.B					
* Prevailing wage may vary from one	area of intend	led employ:	ment to th	ne next and	d as specified in DoL
FAQ's for H-2B Certifications in the E	Entertainment li	ndustry.			
4. For H-2A applications where the rate of pr	ay is based upon r	nultiple crop	or adricul	hural	
activities, please confirm that Appendix filing of this application. §	A.1 is complete ar	nd being subm	itted with t	he 🗆	Yes O No NA
control of the control of the state of the s	1 -464-1 200-00-0	THE SEC			
H. Recruitment information				Works Street, Street, London	ME us Manus ets Bare o rote graves era de Salesto Cárcari
1. Name of State Workforce Agency (SWA) s	erving the area of	Intended emp	lovment *		
State of Florida Agency for Workfo	rce Innovation		,.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
2. SWA job order Identification number *	2a. Start date of	SWA job orde	r •	2b. End da	te of SWA job order *
9628893	12/12/2011			1	2/2011
3. Is there a Sunday edition of a newspaper intended employment? *	of general circulat	tion) in the are	a of	ЖYе	s 🗆 No
Name of Newspaper/Publication (n area of intended emp	loyment) *		Dates of P	rint Advertisement *
4. St. Petersburg Times			From:		To:
5.			12/1 From:	7/2011	12/18/2011 To:
6. Additional Recoultment Activities. Use the	speep below to id	46-41			1 ' - '
Additional Recruitment Activities. Use the location(s) of recruitment, <u>and</u> the date(s) continue and complete description.	space below to lo	entity the type ent was condu	(s) or sourceted. If ne	ce(s) of recru cessary add	itment, geographic
continue and complete description. *				,, ۵۵۵	arraginitell(to
Maintaining a reliable workforce for ou	r company is a	anatant shirt			
Maintaining a reliable workforce for ou work with us each year. Although we invit	te these workers	back for the	nenge, vv	e nave som	e employees who
ditti die stait of tild seasoff. Decause we	do not have a su	ifficient num	ber of ami	isement att	andante who work with
us all season, we also rely on local worker	rs (walk-ups) wh	o ask for wo	rk at some	of our loca	tions We note -
of milital background check and drug testing on all new workers for eafaby researce and in order to mark and					
contractual requirements. Many of the walk-ups do not pass the screening and therefore we are smallered.					
them. We can never reliably predict who will show up from one day to the next and from one event to the next. When we cannot obtain sufficient walk-up help, we try to hire workers from temporary employment agencies.					
Some agencies will not send us workers because their worker's compensation insurance does not cover comisely					
workers. Applicants can also contact us via our website www.deggeller.com, where we list the times of inhe for					
which we are hiring and the names and phone numbers of our staff.					
	continued on the				
(0	continued on Attac	riment 3)			

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Application for Temporary Employment Certification ETA Form 9142 U.S. Department of Labor



U.S. [Department of Labor	The state of the s
I. Declaration of Employer and Attorney/Agent		
In accordance with Federal regulations, the employer muss a condition for receiving a temporary labor certification Appendix A.2 or Appendix B.1 will be considered incompanies.	Ditom the U.S. Department of Labor A	molloodiana dhad fait ka akkaat
For H-2A Applications ONLY, please confirm that you applicable terms, assurances and obligations contained.	d in Appendix A.2. s	☐ Yes ☐ No 💆 N/A
For H-2B Applications ONLY, please confirm that you applicable terms, assurances and obligations contained.	ou have read and agree to all the d in Appendix B.1. §	ÖX(Yes □ No □ N/A
- «- при	harmay ku yan ayun ay a yina birdiyir a rashiyarakadiya ara adah asoonida ma qoradana bibbada asoonida ka bal 1	MARE brings are the subject of the s
Complete this section if the preparer of this application is point of contact) or E (attorney or agent) of this application	a person other than the one identified in n.	either Section D (employer
Last (family) name §	2. First (given) name §	3. Middle initial §
(Same as Section E)		3
4. Job Title §		
5. Firm/Business name §		
6. E-Mail address §		,
C. U.S. Government Agency Use (ONLY)	heller frå Morelifiket fyryr från freds for Millelifellellellellellelle og gyryng a dipera bedlygtellefellelle	ger her epilantal flebe friend kalamatenskalens søven her, ambansk
Pursuant to the provisions of Section 101 (a)(15)(h)(ii) of there are not sufficient U.S. workers available and the employed. By vecknowledges the following:	DIOVIDENT Of the Shove will not advancely	s officet the summer and susuality a
This certification is valid from 2///	to_11/21/12	
	1/1.	(1.)
Department of Lebor, Office of Foreign Labor Certification	on Determination	Date (date signed)
C-11364-5676 1	cent:	
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. OMB Paperwork Reduction Act (1205-0466)	مجاهدها والمامانية بديغه كبريا مكت فمنام وماماني ويوب وويينا ويستهم ويروي ويروي	كالمتعادلة والمتعادلة والمتعادلة والمتعادلة والمتعادلة والمتعادلة والمتعادلة والمتعادلة والمتعادلة والمتعادلة
Persons are not required to respond to this collection of Informate reply to these reporting requirements is mandatory to obtain the Act, Section 101 (a)(15)(H)(ii)). Public reporting burden for this response for H-2A and 2 hours 45 minutes for H-2B, including and maintaining the data needed, and completing and reviewing estimate to the Office of Foreign Labor Certification * U.S. Depi DC * 20210. Do NOT send the completed application to this	a benefits of temporary employment certifical collection of information is estimated to averable the for reviewing instructions, searching the collection of information. Send comme aritment of Labor, a Room C4333 1.30 Constitution	lion (Immigration and Nationality rage 2 hours 10 minutes per existing data sources, gathering

FOR DEPARTMENT OF LABOR USE ONLY

Validity Period: <u>2//</u>

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Application for Temporary Employment Certification ETA Form 9142 – APPENDIX B.1 U.S. Department of Labor



For Use in Filing Applications Under the H-2B Non-Agricultural Program ONLY

A. Attorney or Agenit Declaration

I hereby certify that I am an employee of, or hired by, the employer listed in Section C of the ETA Form 9142, and that I have been designated by that employer to act on its behalf in connection with this application. I also certify that to the best of my knowledge the information contained herein is true and correct. I understand that to knowingly furnish latse information in the preparation of this form and any supplement hereto or to aid, abet, or counsel another to do so is a felony punishable by a \$250,000 line or 5 years in a Fiederal penitentiary or both (18 U.S.C. 1001).

Attorney or Agent's last (family) name Pierce	2. First (given) name Robert	3. Middle initial W.
4. Firm/Business name		
The Pierce Law Firm, LLC		
E-Mail address obowp@adventurelaw.com		
6. Signature		7. Date signed
RWayne Pierce		12/29/2011

B. Employer Declaration

By virtue of my signature below, I HEREBY CERTIFY the following conditions of employment:

- The job opportunity is a bona fide, full-time temporary position, the qualifications for which are consistent with the normal and
 accepted qualifications required by non-H-2B employers in the same or comparable occupations.
- The job opportunity is not vacant because the former occupant(s) is (are) on strike or locked out in the course of a labor dispute involving a work stoppage.
- 3. The job opportunity is open to any qualified U.S. worker regardless of race, color, national origin, age, sex, religion, handicap, or citizenship, and the employer has conducted the required recruitment, in accordance with regulations, and has been unsuccessful in locating sufficient numbers of qualified U.S. applicants for the job opportunity for which certification is sought. Any U.S. workers who applied or apply for the job were or will be rejected only for lawful, job-related reasons, and the employer must retain records of all rejections.
- 4. The offered terms and working conditions of the job opportunity are normal to workers similarly employed in the area(s) of intended employment and are not less favorable than those offered to the foreign worker(s) and are not less than the minimum terms and conditions required by Federal regulation at 20 CFR 655, Subpart A.
- The offered wage equals or exceeds the highest of the most recent prevailing wage that is or will be issued by the Department
 to the employer for the time period the work is performed, or the applicable Federal, State, or local minimum wage, and the
 employer will pay the offered wage.
- The offered wage is not based on commissions, bonuses or other incentives, unless the employer guarantees a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage, or the legal Federal or State minimum wage, whichever is highest.
- During the périod of employment that is the subject of the labor certification application, the employer will comply with applicable Féderal, State and local employment-related laws and regulations, including employment-related health and safety laws;
- 8. The employer has not laid off and will not lay off any similarly employed U.S. worker in the occupation that is the subject of the <u>Application for Temporary Employment Cartification</u> in the area of intended employment within the period beginning 120 days before the date of need, except where the employer also attests that it offered the job opportunity that is the subject of the application to those laid-off U.S. worker(s) and the U.S. worker(s) either refused the job opportunity or was rejected for the job opportunity for lawful, job-related reasons.

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Application for Temporary Employment Certification



ETA Form 9142 - APPENDIX B.1 U.S. Department of Labor

- The employer and its agents and/or attorneys have not sought or received payment of any kind from the employee for any activity related to obtaining labor certification, including payment of the employer attorneys' fees, application fees, or recruitment posts. For purposes of this paragraph, payment includes, but is not limited to, monetary payments, wage concessions (including deductions from wages, salary, or benefits), kickbacks, bribes, tributes, in kind payments, and free labor.
- 10. Unless the H-28 worker is being sponsored by another subsequent employer, the employer will inform H-28 workers of the requirement that they leave the U.S. at the end of the period certified by the Department or separation from the employer, whichever is earlier, as required under § 655.35, and that if dismissed by the employer prior to the end of the period, the employer is liable for return transportation.
- 11. Upon the separation from employment of any foreign worker(s) employed under the labor certification application, if such separation occurs prior to the end date of the employment specified in the application, the employer will notify the Department and DHS in writing or any other method specified of the separation from employment not later than forty-eight (48) hours after such separation is discovered by the employer.
- 12. The employer will not place any H-28 workers employed pursuant to this application outside the area of intended employment listed on the Application for Temporary Employment Cartification unless the employer has obtained a new temporary labor certification from the Department.
- 13. The dates of temporary need, reason(s) for temporary need, and number of worker positions being requested for certification have been truly and accurately stated on the application.
- 14. If the application is being filed as a job contractor, the employer will not place any H-2B workers employed pursuant to the labor certification application with any other employer or at another employer's worksite unless:
 - The employer applicant first makes a bona fide inquiry as to whether the other employer has displaced or intends to displace a similarly employed U.S. worker within the area of intended employment within the period beginning 120 days before and throughout the entire placement of the H-2B worker, the other employer provides written confirmation that it has not so displaced and does not intend to displace such U.S. workers; and All worksites are listed on the certified Application for Temporary Employment Certification

I hereby designate the agent or attorney identified in section D (if any) of the ETA Form 9142 to represent me for the purpose of labor certification and, by virtue of my signature in Block 3 below, I take full responsibility for the accuracy of any representations made by my agent or altorney.

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge the information contained therein is true and accurate. I understand that to knowingly furnish false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a felony punishable by a \$250,000 fine or 5 years in the Federal penitentiary or both (18 U.S.C. 1001).

1. Last (family) name	2. First (given) name	3. Middle initial
Deggeller 4. Title	Catherine	В.
Corporate Secretary		•
5. Signature Catherine De	ygeller	6. Date signed 12/26/2011

ETA Form 9142 - Appendix B.1	EOD BERT (MINAGON) OF THE STATE	
	FOR DEPARTMENT OF LABOR USE ONLY	Puge B.2 of B.2
Case Number: 11 24-56/67	Case Status: (Frt fire i) Period of Employment: 2/1/12 to	1:/21/12